

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIRGIN ENTERPRISES LIMITED,

Plaintiff,

v.

FRENCHIE BENJAMIN, an individual,
doing business as VIRGIN CAPITAL
PARTNERS,
and
NAMECHEAP, INC.,

Defendants.

Civil Action No. 18-cv-8540

**COMPLAINT FOR WILLFUL
TRADEMARK INFRINGEMENT,
DILUTION, CYBERSQUATTING, UNFAIR
COMPETITION AND RELATED CLAIMS**

Jury Trial Demanded

Plaintiff Virgin Enterprise Limited (“VEL”) brings this action against Defendants Frenchie Benjamin (“Defendant Benjamin”) and Namecheap, Inc. (“Defendant Namecheap”) (collectively, the “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. This is an action for trademark infringement in violation of the Lanham Act, 15 U.S.C. § 1114(1), and the New York common law; unfair competition in violation of the Lanham Act, 15 U.S.C. § 1125(a), and the New York common law; trademark dilution in violation of the Lanham Act, 15 U.S.C. § 1125(c), and N.Y. Gen. Bus. Law § 360-L; cybersquatting in violation of the Lanham Act, 15 U.S.C. § 1125(d); and deceptive trade practices in violation of N.Y. Gen. Bus. Law § 349 *et seq.*

2. This action results from Defendants’ unauthorized and willful misappropriation of VEL’s famous and distinctive VIRGIN trademarks, including in the domain and on the associated website at www.virgincapitalpartners.com, causing harm

to VEL and individuals in the State of New York and this District, and through this action, VEL seeks injunctive relief and damages arising from Defendants' conduct.

THE PARTIES

3. Plaintiff Virgin Enterprises Limited is a company organized under the laws of England and Wales, with its principal place of business at The Battleship Building, 179 Harrow Road, London, UK W2 6NB ("Plaintiff" or "VEL," or, collectively with its licensees and affiliates, the "Virgin Group"). VEL is the owner, user, and licensor of a portfolio of over 3,000 trademark registrations and applications incorporating the VIRGIN trademark in over 150 countries worldwide. In the United States, VEL owns over 115 U.S. trademark registrations and applications that include VIRGIN as the dominant element of the mark and cover a wide range of products and services, including, but not limited to, financial services and business investments. These registrations and applications, together with VEL's extensive common law rights in its VIRGIN and VIRGIN-formative word and design marks, all referenced throughout this pleading, are hereinafter referred to as the "VIRGIN Mark(s)." The Virgin Group actively does business in New York and in this District under the VIRGIN Marks through many ventures.

4. Upon information and belief, Defendant Frenchie Benjamin is an individual who resides at 86 Longfellow Ave., Newark, New Jersey, 07106. Upon information and belief, Defendant Benjamin, without authority, consent, right or license, and in violation of VEL's registered trademark rights, has used and continues to use the VIRGIN Mark in connection with advertising, marketing, sale, offering for sale, and/or provision of financial services under the name Virgin Capital Partners LLC, including at the website www.virgincapitalpartners.com.

5. Upon information and belief, Virgin Capital Partners, LLC is a fictitious, unregistered entity that claims to be operating out of New Jersey and in New York and surrounding states, but Plaintiff has not been able to find any registered entity information for this entity in New Jersey, New York, or Delaware.

6. Defendant Namecheap is an Internet service provider located at 4600 East Washington Street, Suite 305, Phoenix, AZ 85034. Defendant Namecheap is the domain registrar for the domain name <virgincapitalpartners.com> and provides hosting or hosting re-direct services for the associated website at www.virgincapitalpartners.com. Moreover, through its WhoisGuard services, Defendant Namecheap provides privacy protection services for the domain name and its owner.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over VEL's federal claims pursuant to the Lanham Act, 15 U.S.C. § 1121, and 28 U.S.C. §§ 1331 and 1338(a) and (b). This Court has supplemental jurisdiction over VEL's state law claims pursuant to 28 U.S.C. § 1367 because these claims are joined with substantial and related claims under the trademark laws of the United States, and they are so related to claims in this action within such original jurisdiction that they form part of the same case or controversy or derive from a common nucleus of operative facts.

8. This Court has personal jurisdiction over Defendant Benjamin, who, on information and belief, has and continues to solicit, transact, and do business in the State of New York and this District, has and continues to wrongfully cause injury to VEL in the State of New York and this District, and derives substantial revenue from interstate commerce. In particular, without limitation and upon information and belief, Defendant

Benjamin has promoted, advertised, marketed, sold, and provided services (and continues to do so) under the name Virgin Capital Partners to New Yorkers and within the State of New York and this District, including at the website www.virgincapitalpartners.com, which states: “We buy notes in all corners of New Jersey and the surrounding states,” such as New York., and “we will buy notes that qualify in most states across the U.S.”

9. This Court also has personal jurisdiction over Defendant Namecheap, who, on information and belief, has solicited, transacted, and done business (and continues to do so) in the State of New York and this District, has and continues to wrongfully cause injury to VEL in the State of New York and this District, and derives substantial revenue from interstate commerce. In particular, without limitation and upon information and belief, Defendant Benjamin has provided and continues to provide domain name registration, hosting, and privacy protection services for the domain name and associated website at www.virgincapitalpartners.com, which is directed to New Yorkers, and continues to do so despite actual notice of the infringing conduct from VEL. Moreover, on information and belief, Namecheap has contracted with thousands of New Yorkers to provide Internet services in the State of New York and this District.

10. The Court’s exercise of personal jurisdiction over the Defendants is also proper pursuant to N.Y. C.P.L.R. § 302 *et seq.* and is consistent with the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

11. Venue is proper in the Southern District of New York pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims occurred in this District, Defendants have committed tortious acts of infringement in this

District, and have engaged in activities that subject them to jurisdiction in this Court. Finally, because Defendants are subject to personal jurisdiction in this District, venue is proper in this District.

VEL'S HISTORY AND ITS FAMOUS VIRGIN MARKS

12. The Virgin Group was founded in 1970 as a mail order record retailer by British entrepreneur Sir Richard Branson. As used today by the Virgin Group, the VIRGIN Mark is one of the most highly-recognized trademarks in the United States and throughout the world. Unlike many other famous brands that are limited to a particular industry, the reputation of the Virgin Group is not limited to any particular area or activity. The Virgin Group is a dynamic conglomerate of companies and business units that actively develop new products and services with an ever-growing range of branded goods and services, ranging from financial services to airline transportation, mobile telephony, space travel, entertainment, hospitality, restaurant and bar services, to name a few. Substantial goodwill and national and international reputation has accrued to the VIRGIN Mark as a result of continuous sales, promotion, and advertising of products and services bearing the VIRGIN Mark over many years.

13. Commencing at a time long prior to Defendants' adoption and use of VIRGIN CAPITAL PARTNERS and the VIRGIN Marks, the Virgin Group has operated numerous United States and worldwide businesses under the trade name, trademark, and service mark VIRGIN. A description of the Virgin Group's operations appears at the Internet website associated with the domain name www.virgin.com. Virgin Group companies employ tens of thousands of people in 35 countries, serve millions of

customers worldwide, have 96% brand recognition in the United States, and have global revenues of several billion U.S. dollars.

14. Commencing at a time long prior to Defendants' adoption and use of the VIRGIN Marks, VEL used the VIRGIN Marks on and in association with the retail sale and distribution of a broad range of goods and services, including, but not limited to, financial and investment-related services, restaurant and hospitality services, mobile phone and telecommunications products and services, environmental and health-related services, airline and travel-related services, apparel, toys, books, bags, records, CDs, videos, cosmetics, consumer electronics, online information, and entertainment services, among other goods and services.

15. As a result of its long-standing and continuous nationwide and widespread use, VEL owns extensive common law rights in the VIRGIN Marks in connection with a wide variety of goods and services. Examples of the use of the VIRGIN Marks by VEL and its licensees follow below.

16. VEL's investment team is an active technology-focused venture investor with a portfolio of more than 35 companies spanning the Internet, financial tech, and sharing economy sectors. Virgin Group promotes some of its investments on the Virgin website at www.virgin.com/virgingroup/company/venture, under the subheading VIRGIN–Venture Capital. VEL's investment team has also long been focused on investments in Virgin Group's core consumer sectors of travel and leisure, telecom and media, music and entertainment, financial services, and health and wellness. Various third-party sources recognize Virgin Group as an investment company, including Crunchbase, a leading source of data and news for investors, which refers to Virgin Group

as “a leading international investment group and one of the world’s most recognised and respected brands.” See Exhibit A.

17. Virgin’s licensee, Virgin Atlantic Airways Ltd. (“VAA”), has provided VIRGIN and VIRGIN ATLANTIC-branded air travel, air freight, courier, cargo, and related services in U.S. commerce continuously since 1984. In addition, VAA provides VIRGIN ATLANTIC-branded credit cards and related credit card services. A description of VAA operations appears at the website associated with the domain name www.virgin-atlantic.com. VAA operates a fleet of Boeing 747 and Airbus A300 and A340 aircrafts providing daily departures to and from Atlanta, Boston, Las Vegas, Los Angeles, Miami, New York, Orlando, San Francisco, Seattle, and Washington D.C.

18. Virgin’s licensee, Virgin Australia International (“VAU”) has provided VIRGIN-branded air travel and related services in U.S. commerce continuously since February 2009. A description of VAU operations appears at the website associated with the domain name www.virginaustralia.com. VAU operates commercial aircraft providing departures to and from Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Colorado Springs, Columbus, Dallas, Denver, Detroit, Fort Lauderdale, Honolulu, Houston, Indianapolis, Kansas City, Kauai Island, Kona, Las Vegas, Los Angeles, Maui, Memphis, Miami, Minneapolis, Nashville, New Orleans, New York, Newark, Oakland, Orlando, Philadelphia, Phoenix, Portland, Raleigh, Sacramento, Salt Lake City, San Diego, San Francisco, San Jose, Seattle, Tampa, and Washington D.C.

19. Virgin’s licensee, Virgin Galactic (“VG”), founded in 2004, is the world’s first space line, which will own and operate its privately built spaceships based on the

remarkable, history-making Spaceship One. A description of VG operations appears at the website associated with the domain name www.virgingalactic.com.

20. Virgin's licensee, Virgin Money Giving ("VMG"), created as a not-for-profit business by Virgin Money in October 2009, is a website and charitable service designed to help users raise money online for charities. A description of VMG's operations appears at the website associated with the domain name www.virginmoneygiving.com.

21. Virgin's licensee, Virgin Limited Edition ("VLE"), is Sir Richard Branson's collection of retreats and luxury hotels under the portfolio of Virgin Hotels Group Limited. A description of VLE's operations appears at the website associated with the domain name www.virginlimitededition.com.

22. Virgin's licensee, Virgin Hotels ("VH"), has offered hotel, restaurant, and spa services in U.S. commerce under the VIRGIN Marks since January 2015. Virgin Hotels has locations in Chicago and San Francisco (accepting reservations for stays starting November 15, 2018), with additional planned locations in Nashville, New York, Las Vegas, Silicon Valley, New Orleans, DC Union Market, and Palm Springs. A description of VH's operations appears at the website associated with the domain www.virginhotels.com.

23. Virgin's licensee, Virgin Earth Challenge ("VEC"), launched in 2007, is a competition with a prize of \$25 million dollars for whoever can demonstrate to the judges' satisfaction a commercially-viable design resulting in the removal of anthropogenic, atmospheric greenhouse gases, which will materially contribute to the stability of the Earth's climate. A description of VEC's operations appears at the website associated with the domain name www.virginearth.com.

24. Virgin's licensee, Virgin Unite ("VU"), founded in 2005, is the non-profit foundation of the Virgin Group. VU addresses social and environmental problems by helping the way businesses and the social sector work together. The Virgin Group covers all of VU's overhead costs, meaning that 100% of donations received go directly to frontline charitable initiatives. A description of VU's operations appears at the website associated with the domain name www.virgin.com/unite/.

25. Virgin's licensee, Virgin Pulse, Inc., formerly Virgin Healthmiles, ("VPI"), has provided VIRGIN-branded health-related services in the United States since 2005. A description of VPI's operations appears at the website associated with the domain name www.virginpulse.com.

26. Virgin's licensee, Virgin Produced ("VP"), is a film and television development, packaging, and production company announced in 2010 by the Virgin Group. A description of VP's operations appears at the website associated with the domain name www.virginproduced.com.

27. Virgin's licensee, Virgin Casinos, formerly Virgin Games, ("VC"), introduced in 2010, is a premier destination for competitive console gamers to meet and play against each other. A description of VC's operations appears at the website associated with the domain name www.virgincasinos.com.

28. Virgin's licensee, Virgin Racing Formula E Team ("Virgin Racing" or "VFR"), founded in 2013, is a motor racing team which competes in the electric racing series, FIA Formula E Championship. VFR hosts racing events and sells merchandise and apparel associated with Formula E racing. A summary of VR's operations appears at the website associated with the domain name www.ds-virginracing.com.

29. Virgin's licensee, Virgin Voyages (formerly Virgin Cruises) ("VV"), established in December 2014, is a cruise line that will offer a variety of cruise ship services. A brief description of VV's future operations appears at the website associated with the domain name www.virginvoyages.com.

30. Virgin's licensee, Virgin Sport ("VS"), introduced in May 2015, is an active lifestyle company that runs participatory fitness events and programs. A brief introduction to VS appears at the website associated with the domain name www.virginsport.com.

31. Virgin's licensee, Virgin Vacations, has provided VIRGIN-branded travel and tour services in United States commerce continuously since 1994, including car rental services and vacation packages in the United States and abroad. A description of Virgin Vacation's operations appears at the website associated with the domain name www.virgin-vacations.com.

32. Virgin's licensee, Virgin Holidays ("VHL"), has provided VIRGIN-branded travel and tour services in United States commerce since 1985. A description of VHL's operations appears at the website associated with the domain name www.virginholidays.com.

33. Virgin's licensee, Virgin Mobile USA, LLC ("VMU"), has offered VIRGIN-branded wireless telecommunications products and services in U.S. commerce continuously since June 2002. A description of VMU's operations appears at the website associated with the domain name www.virginmobileusa.com.

34. Virgin's licensee, Virgin Records ("VR"), has provided music production, recording, and related services in U.S. commerce continuously since at least as early as 1986, including the sale of VIRGIN-branded merchandise and apparel. A description of

VR's operations appears at the website associated with the domain name www.virginrecords.com.

35. Virgin's licensee, Virgin Active, launched in 1998 and currently operates 233 fitness and health clubs worldwide that service more than 1.4 million members, including in the United Kingdom, Italy, Namibia, South Africa, Botswana, Thailand, Australia, and Singapore. Virgin Active is preparing to offer similar health club services in the U.S. A description of Virgin Active's operations appears at the website associated with the domain name www.virginactive.com.

36. Virgin's licensee, Virgin Pure, currently provides counter-top water purifying systems in Europe and has plans to expand into other markets, including the United States. A description of Virgin Pure's operations appears at the website associated with the domain name www.virginpure.com.

37. VEL's operations extend worldwide. Customers purchase goods and services identified by the VIRGIN Marks every day throughout the United States, including in New York.

38. Over the years, the VIRGIN Marks, including the term VIRGIN by itself and the multitude of VIRGIN-formative marks used by Virgin, have been so extensively used and advertised together that the VIRGIN family "surname" is recognized by consumers as an identifying trademark or service mark in and of itself when it appears in a composite. As a result, the VIRGIN Marks constitute an easily recognizable family of marks that identify Virgin as the source of the goods and services provided.

39. In addition to its strong common law rights in the VIRGIN Marks, VEL is the owner of the following United States trademark registrations for the following VIRGIN

Marks, all of which are legally and validly registered on the Principal Register of the United States Patent and Trademark Office ("USPTO"):

- 1) U.S. Registration No. 1,039,574 for VIRGIN (stylized) for "Sound records in the form of discs and tapes and cassettes for use therewith;"
- 2) U.S. Registration No. 1,413,664 for VIRGIN for "Air travel services;"
- 3) U.S. Registration No. 1,469,618 for VIRGIN for "Pre-recorded audio and/or video tapes, cassettes and cartridges; pre-recorded audio and video discs, phonograph records;"
- 4) U.S. Registration No. 1,517,801 for VIRGIN (stylized) for "Pre-recorded audio and video discs, phonograph records; photographic and cinematographic films;"
- 5) U.S. Registration No. 1,591,952 for VIRGIN (stylized) for "Printed sheet music; fictional and non-fictional books, biography and autobiography books, periodicals, namely, paperback books all dealing with music, films and entertainment; paper for packaging, paper cases; writing instruments, namely, pens, pencils, ball point pens, stationery and office supplies, namely, writing and note paper, playing cards" and "articles of outer clothing, namely, shirts, t-shirts, sweat shirts, jackets, hats, clothing caps, clothing belts;"
- 6) U.S. Registration No. 1,597,386 for VIRGIN for "Fictional and non-fictional books, biography and autobiography books, periodicals, namely, journals, paperback books all dealing with music, films and entertainment; stationery and office supplies, playing cards" and "articles of outer clothing, namely, shirts, t-shirts, sweat shirts, jackets, hats, clothing caps;"
- 7) U.S. Registration No. 1,851,817 for VIRGIN for "Transportation of goods and passengers by road and air, freight transportation services; travel agency services" and "bars; retail store services in the fields of cameras, records, computers and electronic apparatus, and watches, sheet music, books and photography, handbags, purses, luggage and leather goods, clothing, games, video game machines;"
- 8) U.S. Registration No. 1,852,776 for VIRGIN (stylized) for "Transportation of goods and passengers by road, air freight transportation services" and "bars; rental of food service equipment; namely, vending machines; portrait and aerial photography; typesetting and printing services; and retail store services in the fields of cameras, computers and electronic apparatus; and watches; sheet music, books and photography; handbags, purses, luggage and leather goods; clothing; games, video game machines;"
- 9) U.S. Registration No. 2,151,589 for VIRGIN VODKA for "Vodka;"

- 10) U.S. Registration No. 2,237,092 for VIRGIN VACATIONS for "Arranging the transport of passengers by air and road, arranging and conducting travel tours, travel agency services, namely, making reservations and bookings for transportation, and transportation reservation services" and "resort hotel and hotel reservation; travel agency services, namely, making reservations and bookings for temporary lodging;"
- 11) U.S. Registration No. 2,586,162 for VIRGIN for "Articles of luggage, namely, suitcases; bags; namely, back packs, rucksacks, school bags, school satchels, traveling bags, sports bags, all-purpose sports bags for campers and climbers, textile shopping bags; wallets;"
- 12) U.S. Registration No. 2,625,455 for VIRGIN for "Providing an on-line shopping mall via a global computer network; providing business information via a global computer network" and "computerized communication services, namely, electronic mail services, and providing networks for the purpose of transmission and reception of electronic mail, computer generated music, news and other data and information; and broadcasting services by radio and over a global computer network of a wide variety of programs, namely, current events, economics, politics, sports, entertainment, the arts and business;"
- 13) U.S. Registration No. 2,639,079 for VIRGIN HOLIDAYS for "Transportation of passengers and goods by road, rail and air; arranging of package holidays; arranging and organizing tours; arranging visits to places of interest; tourist office services; travel agency services, namely, making reservations and bookings for transportation; transportation reservation services" and "travel agency services, namely, making reservations and bookings for temporary lodging;"
- 14) U.S. Registration No. 2,689,097 for VIRGIN (stylized) for "Mobile telephones; telephones; modems; batteries; battery chargers; cigarette lighter adapters; dashboard mounts; hands-free headsets; carrying cases; belt clips" and "telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet;"
- 15) U.S. Registration No. 2,689,098 for VIRGIN for "Mobile telephones; telephones; modems; batteries; battery chargers; cigarette lighter adapters; dashboard mounts; hands-free headsets; carrying cases; belt clips" and "telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet;"

- 16) U.S. Registration No. 2,709,578 for VIRGIN (stylized) for "Sound records in the form of discs; pre-recorded audio and video discs, phonograph records featuring music; graphical interface to aid the delivery of interactive products and services by cable or wireless transmission; parts for the aforesaid goods; computer game software," and "water, namely, mineral waters, aerated waters and flavored waters; non-alcoholic beverages, namely, fruit flavored drinks;
- 17) U.S. Registration No. 2,717,644 for VIRGIN for "Non-alcoholic beverages, namely, soft drinks;"
- 18) U.S. Registration No. 2,770,775 for VIRGIN MOBILE for "Mobile telephones, telephones and modems, and accessories therefor, namely, batteries; battery chargers; cigarette lighter adapters; hands-free headsets; carrying cases and belt clips," "providing directory information via telephone," and "telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet;"
- 19) U.S. Registration No. 2,770,776 for VIRGIN MOBILE (stylized) for "Mobile telephones, telephones and modems, and accessories therefor, namely, batteries; battery chargers; cigarette lighter adapters; hands-free headsets; carrying cases and belt clips," "providing directory information via telephone," and "telecommunications services, namely, transmission of voice, data, images, audio, video, and information via telephone or the internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone, including the internet;"
- 20) U.S. Registration No. 2,798,130 for VIRGIN (stylized) for "Playing cards, writing instruments, namely, pens, pencils and ball point pens," "leisurewear, namely, fleece tops and shirts; articles of outer clothing, namely t-shirts, sweat shirts, jackets, hats, clothing caps," "preparing advertising, promotions, and public relations materials for others; demonstration of the goods of others and the promotion thereof; and distribution and dissemination of advertising, promotional materials and sample materials of others," "electronic transmission and display of information for business or domestic purposes from a computer stored data bank," and "retail store services in the fields of records, audio and video tapes, computers and electronic apparatus and watches, books, luggage and leather goods, clothing, games, video game cartridges, and cafes;"
- 21) U.S. Registration No. 2,808,270 for VIRGIN ATLANTIC for "Transportation of and arranging transportation of goods and passengers by road and air; freight transportation services by air; transportation of human beings by

means of land vehicles; chauffeur services; travel agency services, namely, making reservations and bookings for transportation; arranging and/or conducting travel tours; operation of aircraft for others;"

- 22) U.S. Registration No. 3,174,388 for VIRGIN for "Soaps; shampoos; non-medicated toilet preparations, namely, soaps, shampoos, lotions, and moisturizers; antiperspirants; deodorants for use on the person; cosmetics, namely, foundation creams and lotions; non-medicated preparations for the care of the skin, hands, scalp and body, namely, moisturizers, lotions, creams, soaps, gels; hair care preparations, namely, shampoos; non-medicated skin cleansing preparations, namely, cleansers, lotions, creams, soaps; creams and lotions for the skin;"
- 23) U.S. Registration No. 3,188,282 for VIRGIN for "Alcoholic beverages, namely, wine;"
- 24) U.S. Registration No. 3,209,714 for VIRGIN (stylized) for "Entertainment services, namely, providing online computer games;"
- 25) U.S. Registration No. 3,209,716 for VIRGIN for "Entertainment services, namely, providing online computer games;"
- 26) U.S. Registration No. 3,230,095 for VIRGIN (stylized) for "Organizing cultural activities and events; operation of leisure centers, namely, providing library and Internet access facilities;"
- 27) U.S. Registration No. 3,245,593 for VIRGIN (stylized) for "Alcoholic beverages, namely, wine;"
- 28) U.S. Registration No. 3,298,420 for VIRGIN for "Business incentive services, namely, offering plans to employers including motivational schemes, gift certificates and other rewards for employees, management of incentive programs, events and schemes for others" and "debit card services;"
- 29) U.S. Registration No. 3,298,421 for VIRGIN (stylized) for "Business incentive services, namely, offering plans to employers including motivational schemes, gift certificates and other rewards for employees, management of incentive programs, events and schemes for others" and "debit card services;"
- 30) U.S. Registration No. 3,398,247 for VIRGIN for "Banking services; loan services, namely, offering loans to others; credit card services; consumer financing; electronic funds transfer;"
- 31) U.S. Registration No. 3,398,248 for VIRGIN (stylized) for "Banking services; loan services, namely, offering loans to others; credit card services; consumer financing; electronic funds transfer;"

- 32) U.S. Registration No. 3,427,241 for VIRGIN for "Organizing sporting and cultural activities and events; operation of leisure centers, namely, providing library facilities" and "operation of leisure centers, namely, providing cosmetic and body care services;"
- 33) U.S. Registration No. 3,472,228 for VIRGIN UNITE for "Developing promotional campaigns for business; promoting public awareness of the need for businesses to have a positive impact on the communities and environment in which they operate and work together with the social sector to drive long term social change including making investments in emerging markets to accelerate positive social change through economic development; charitable services, namely, organizing and coordinating programs for the sick, people with health problems or issues, the homeless, drug users, those with disabilities, victims of abuse, those who are bereaved, children in need or at risk, those with sexual problems, and underprivileged communities, and organizing and conducting volunteer programs and community service projects; business management and administration services in connection with a charity," "charitable fund raising; charitable financial services for those in need, namely, accepting and administering monetary charitable contributions; financial sponsorship of fund raising events and events designed to raise the profile of charitable and social issues," and "educational services, namely, conducting summits, conferences, lectures and seminars in the field of social change and charitable and social issues; training services in the field of social change and charitable and social issues; organizing community sporting and cultural events; educational services, namely, providing classes, lectures, seminars, workshops, and discussion groups in the fields of sickness, health problems, homelessness, drug use, disabilities, abuse, bereavement, children's needs, sexual problems, and poverty to young people, people with health problems or issues, the homeless, drug users, those with disabilities, victims of abuse, those who have been bereaved, children in need or at risk, those with sexual problems, and underprivileged communities; charitable services, namely, academic mentoring of children from underprivileged communities and young people;"
- 34) U.S. Registration No. 3,535,624 for VIRGIN GALACTIC (stylized) for "Travel agency services, namely, making reservations and bookings for transportation, space travel agency services; namely, booking of transportation into space;"
- 35) U.S. Registration No. 3,538,901 for VIRGIN (stylized) for "Arranging and conducting live musical performances and music festivals;"
- 36) U.S. Registration No. 3,541,731 for VIRGIN AMERICA for "Air transportation; freight transportation services by means of air, ship, truck, and rail; airport passenger and baggage check-in services; airport services, namely, ticketing and boarding services; travel services, namely, booking

seating arrangements for airline passengers; air transportation services featuring frequent flyer miles as a bonus program for frequent air travelers; providing flight arrival and departure information; and transportation reservation services” and “onboard in-flight entertainment services, namely, distributing movies, TV programs, and audio programs, and providing temporary use of video games, software and personal monitors for viewing the same;”

- 37) U.S. Registration No. 3,913,150 for VIRGIN (stylized) for “Management of incentive and loyalty programs of others to promote healthy lifestyle choices,” “medical evaluation services, namely, providing health assessments; advisory services relating to health; consultation relating to health care,” and “personal lifestyle counseling and consultation;”
- 38) U.S. Registration No. 3,913,151 for VIRGIN (stylized) for “Management of incentive and loyalty programs of others to promote healthy lifestyle choices,” “medical evaluation services, namely, providing health assessments; advisory services relating to health; consultation relating to health care,” and “personal lifestyle counseling and consultation;”
- 39) U.S. Registration No. 4,004,271 for VIRGIN MONEY EVERYONE’S BETTER OFF for “Insurance services, namely, brokerage, underwriting, administration, appraisals, and claims adjustment in the fields of life insurance, car insurance, home insurance, pet insurance, and travel insurance; financial affairs and monetary affairs, namely, financial information, management and analysis services; real estate affairs, namely, mortgage lending; banking services; financial clearing houses; credit card services; debit card services; mortgage banking; financial consultancy; provision of financial information; financial evaluation for insurance purposes; electronic funds transfer; financial services, namely, money lending; financial services, namely, investment management and investment of funds for others;”
- 40) U.S. Registration No. 4,105,375 for VIRGIN (stylized) for “Operation of fitness centers; health club services;”
- 41) U.S. Registration No. 4,176,062 for VIRGIN for “Advisory and consultancy services related to resource efficiency, energy usage management and energy efficiency,” “creation, management and administration of investment funds, venture capital funds and private equity funds, fund investment services, including fund investment services and fund investment management services in the renewable energy, resource efficiency, energy efficiency, clean technology and alternative energy sectors; advisory and consultancy services in relation to the aforesaid and in relation to the evaluation, consummation, administration and management of investments in businesses operating in the renewable energy, resource efficiency, energy efficiency, clean technology and alternative energy sectors,” and

“advisory and consultancy services relating to the design and development of renewable energy sources and related to energy measurement to improve energy efficiency;”

- 42) U.S. Registration No. 4,220,791 for VIRGIN (stylized) for “Provision of exercise facilities; organization, operation and supervision of incentivized fitness programs and information advisory services relating to aforesaid services,” “operation of leisure centers, namely, providing cosmetic and body care services; beauty salons; Turkish bath services; hairdressing, manicure and pedicure services; consultancy in the field of beauty, body and skincare, make up and dress; massage; physical therapy; sun tanning salons; provision of sauna facilities; aromatherapy services; reflexology services; medical services, namely, chiropody services; health assessments and health care risk assessments, namely, providing a heart-rate based overview of their own metabolism in order to assist in reaching weight loss, sports performance, health, fitness, and wellness related goals; health spa services in the nature of providing steam room facilities; organization, operation and supervision of incentivized health programs and information advisory services relating to all aforesaid services,” and “lifestyle counseling and consultancy;”
- 43) U.S. Registration No. 4,270,403 for VIRGIN RADIO (stylized) for “Apparatus for recording, transmission or reproduction of sound or images; pre-recorded digital media featuring radio, music, blogs, podcasts, DJs, pictures, videos, movies and television in the fields of music, entertainment and news; software downloadable from the Internet for viewing and listening to radio, music, blogs, podcasts, DJs, pictures, videos, movies and television; compact discs featuring music; downloadable digital music; radios; portable radios; digital radios; earphones for radios; radio broadcasting sets, namely, transmitting and receiving apparatus for radio broadcasting; mobile radio broadcasting units, namely, transmitting and receiving apparatus for radio broadcasting; mobile radios; music centers incorporating radio and television receivers, namely, entertainment system comprising multiple image display screens and multiple input devices; radiotelephones; audio and video recordings featuring radio, music, movies, television, podcasts, videos, pictures and DJs in the fields of music, entertainment and news; electronic media for storing, transmitting and reproducing music, sounds, images and text, namely, radio, music, movies, television, podcasts, videos and pictures; musical recordings; downloadable electronic data files in the nature of radio programs, music, movies, television, podcasts and videos; radio programs, music, videos, sound, images, text and data downloadable from the Internet or other computer networks in the field of music, entertainment and news; MP3 players; computer e-commerce software to allow users to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; downloadable software in the nature of mobile applications in the fields of

music, entertainment and news,” “telecommunications and communication services, namely, transmission of voice, data, graphics, sound and video by means of broadband, digital or wireless networks; broadband radio communications services; radio broadcasting; broadcasting services, namely, radio, television, satellite and Internet broadcasting services; digital radio broadcasting services; radio broadcasting over the Internet and other communication networks; streaming of radio programs and audio material on the Internet; news agency services for electronic transmission; delivery of digital music by telecommunications,” and “entertainment services, namely, providing on-going radio, television and Internet programs in the field of music, entertainment and news; entertainment services, namely, providing podcasts in the field of music, entertainment and news; entertainment services, namely, providing blogs featuring music, entertainment and news; entertainment services, namely, providing a web site featuring photographic, audio and video material featuring music, entertainment and news; sporting and cultural activities, namely, competitions in the field of music, entertainment and news; entertainment by means of radio and television, namely, ongoing radio and television programming in the field of music, entertainment and news; production, distribution, presentation, syndication, and rental of material with a visual and/or audio element, namely, television and radio programs, films, sound and video recordings, and news programs; entertainment services, namely, presentation of interactive entertainment shows, live shows, stage plays, exhibitions and concerts; recording studio services and the provision of recording studio facilities; audio recording services; provision and rental of radio and television studios and broadcasting facilities; providing interactive information relating to education, entertainment, sporting and cultural activities, radio and television broadcasting and radio and television entertainment provided on-line from computer data bases or from facilities provided on the Internet; provision of information relating to education, entertainment, sporting and cultural activities, radio and television broadcasting and radio and television entertainment for accessing via communication and computer networks; publishing of music; consultancy, information and advisory services all relating to the aforesaid services, namely, radio, television and Internet programming consultancy, information and advisory services;

- 44) U.S. Registration No. 4,291,919 for VIRGIN (stylized) for “Drinking water; non-alcoholic beverages, namely, soft drinks;”
- 45) U.S. Registration No. 4,291,920 for VIRGIN for “Drinking water; non-alcoholic beverages, namely, soft drinks;”
- 46) U.S. Registration No. 4,325,986 for VIRGIN for “Watches,” “arranging the offer and sale of carbon offset credits; online retail store services featuring apparel, accessories, fragrances, watches, jewelry, sunglasses, electronics, cases for electronic products, gift cards, toys, model airplanes,

liquor, cosmetics, luggage, bags, pet products, furniture, cookware, coffee makers, golf equipment, wall art, key rings,” and “creation, management and administration of investment funds, venture capital funds and private equity funds; charitable fundraising; credit card services;”

- 47) U.S. Registration No. 4,398,320 for VIRGIN for “Apparatus for recording, transmitting, storing or reproducing sound or images; blank magnetic data carriers; blank digital storage media for sound or video recordings; pre-recorded electronic and digital media featuring radio, music, blogs, podcasts, DJs, pictures, videos, books, movies and television; computer software for use in personal computers, computer game consoles and consumer electronics products for use in the transmission, reception and storage of data, images and digital information in the fields of radio programs, music, movies, books, television, podcasts, videos, games of skill and games of chance; software downloadable from the Internet for transmission, reception and storage of voice, data, images, e-mail and digital information; compact discs featuring music; radios; earphones for radios; radio broadcasting sets, namely, transmitting and receiving apparatus for radio broadcasting; mobile radio broadcasting units, namely, transmitting and receiving apparatus for radio broadcasting; integrated audio and video apparatus incorporating radio and television receivers; radiotelephones; sound recordings, namely, musical recordings and video recordings featuring radio, music, blogs, podcasts, DJs, videos, books, movies and television; downloadable electronic publications in the nature of books, magazines, articles, brochures in the field of radio programs, music, movies, books, television, podcasts and video; radio programs, music, videos, sound, images, text and data downloadable from the Internet or other computer networks; communications and telecommunications devices, namely, computers, wireless telephones and satellite telephones; mobile telecommunications apparatus and equipment, namely, batteries, battery chargers, power supplies, charger adapters, phone clips, phone covers, phone cases, ear phones, headphones, receivers, microphones, car kits for the adaptation of portable communication apparatus and instruments for vehicular use, antennas, antenna adapters, cables, hands free microphones, phone holders, car chargers, data cables, electrical wires and handsets; GPS receivers; keyboards, digital pens, memory cards, digital maps and digital map displays in the form of satellite navigational systems; mobile digital devices, namely, MP3 players, mobile telephones, smart phones, digital cameras and personal digital assistants; accessories and replacement parts for mobile phones, mobile digital devices, smart phones, digital cameras and computers, namely, batteries, battery chargers, cigarette lighter adapters, belt clips, carrying cases, headphones, headsets, speakers and mouse mats; cameras; computer e-commerce software to allow users to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; computer software and devices for navigation; downloadable software in the nature of a mobile application for

transmission, reception and storage of voice, data, images, e-mail and digital information; systems and apparatus for electric money transactions, namely, blank smart cards and smart card readers; calculators; software for use in the secure identification, storage, transmission and retrieval of data; software relating to identity verification and fraud prevention; electronic encryption devices to enable secure storage, retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; computer software for use in connection with accessing and conducting electronic banking and financial services via global computer networks and telecommunication networks; computer software for providing an online financial platform; computer software for the provision of financial trading services, securities exchange services, automated methods of crossing financial orders and electronic financial and crossing exchanges; magnetically encoded credit cards, debit cards, cash cards and cheque guarantee cards,” “Retail store services featuring telecommunication apparatus, devices and accessories; on-line retail store services featuring telecommunication apparatus, devices and accessories,” “Insurance brokerage; financial and monetary affairs, namely, financial information, management, planning and analysis services; real estate brokerage; banking; stockbroking; providing cash and other rebates for credit card use as part of a customer loyalty program; provision of electronic payment services including electronic fund transfer services, electronic processing and subsequent transmission of bill payment data and on-line transaction facilities; loyalty program payment processing services; automated bill payment of accounts; collection of debts; insurance services provided over the Internet or any other electronic network, namely, insurance brokerage, insurance consultancy and insurance indemnity; discount services, namely, financing of loans and discount of bills; personal equity plans, namely, equity capital investment; provision of investment and fund management information; administration of funds and investments; stock, shares and bond information and brokerage services; credit and debit card services; financial administration and management of employee pension plans; pension planning and investment consulting services; mutual funds management; financing of loans and mortgage lending; trust services, namely, investment trust company services; information, consultancy and advisory services relating to the aforesaid financial, insurance and real estate services; information, consultancy and advisory services relating to the aforesaid financial, insurance and real estate services provided on-line from a computer database or the Internet; information, consultancy and advisory services in relation to the aforesaid services provided over a telecommunications network,” “Telecommunications and communication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks and the Internet; digital network telecommunications services; providing Internet chat rooms for transmission of messages among computer users concerning radio, music, blogs, podcasts, DJs, pictures,

videos, books, games, movies and television; portal services for providing users access to a communications or computer network; providing e-mail services; radio and television broadcasting services; Internet broadcasting services; news agency services for electronic transmission; text and voice messaging services; consultancy, information and advisory services relating to the aforesaid telecommunications and communication services,” and “Education, namely, conducting classes, seminars, conferences and workshops in the fields of entrepreneurship, transportation, telecommunications, hospitality and entertainment; providing training in the fields of entrepreneurship, transportation, telecommunications, hospitality and entertainment; entertainment services, namely, radio, television and Internet programs, blogs and podcasts in the fields of music, entertainment and news; organizing community sporting and cultural activities; production, distribution, presentation, syndication, networking and rental of sound and video recordings including television and radio programs, films and news programs; interactive entertainment, namely, presentation of live show performances, stage plays and music; concerts; recording studio services and the provision of recording studio facilities; audio recording services; provision and rental of radio and television studios and broadcasting facilities; interactive information relating to education, entertainment, sporting and cultural activities, and radio and television entertainment provided on-line from computer databases or from facilities provided on the Internet; publication services, namely, book publication services; consultancy, information and advisory services all relating to the aforesaid educational and entertainment services;”

- 48) U.S. Registration No. 4,416,519 for VIRGIN (stylized) for “Apparatus for recording, transmitting, storing or reproducing sound or images; blank magnetic data carriers; blank digital storage media for sound or video recordings; pre-recorded electronic and digital media featuring radio, music, blogs, podcasts, DJs, pictures, videos, books, movies and television; computer software for use in personal computers, computer game consoles and consumer electronics products for use in the transmission, reception and storage of data, images and digital information in the fields of radio programs, music, movies, books, television, podcasts, videos, games of skill and games of chance; software downloadable from the Internet for transmission, reception and storage of voice, data, images, e-mail and digital information; compact discs featuring music; radios; earphones for radios; radio broadcasting sets, namely, transmitting and receiving apparatus for radio broadcasting; mobile radio broadcasting units, namely, transmitting and receiving apparatus for radio broadcasting; integrated audio and video apparatus incorporating radio and television receivers; radiotelephones; sound recordings, namely, musical recordings and video recordings featuring radio, music, blogs, podcasts, DJs, videos, books, movies and television; downloadable electronic publications in the nature of books, magazines, articles, brochures in the field of radio programs, music, movies, books, television, podcasts and video; radio programs, music,

videos, sound, images, text and data downloadable from the Internet or other computer networks; communications and telecommunications devices, namely, computers, wireless telephones and satellite telephones; mobile telecommunications apparatus and equipment, namely, batteries, battery chargers, power supplies, charger adapters, phone clips, phone covers, phone cases, ear phones, headphones, receivers, microphones, car kits for the adaptation of portable communication apparatus and instruments for vehicular use, antennas, antenna adapters, cables, hands free microphones, phone holders, car chargers, data cables, electrical wires and handsets; GPS receivers; keyboards, digital pens, memory cards, digital maps and digital map displays in the form of satellite navigational systems; mobile digital devices, namely, MP3 players, mobile telephones, smart phones, digital cameras and personal digital assistants; accessories and replacement parts for mobile phones, mobile digital devices, smart phones, digital cameras and computers, namely, batteries, battery chargers, cigarette lighter adapters, belt clips, carrying cases, headphones, headsets, speakers and mouse mats; cameras; computer e-commerce software to allow users to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; computer software and devices for navigation; downloadable software in the nature of a mobile application for transmission, reception and storage of voice, data, images, e-mail and digital information; systems and apparatus for electric money transactions, namely, blank smart cards and smart card readers; calculators; software for use in the secure identification, storage, transmission and retrieval of data; software relating to identity verification and fraud prevention; electronic encryption devices to enable secure storage, retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; computer software for use in connection with accessing and conducting electronic banking and financial services via global computer networks and telecommunication networks; computer software for providing an online financial platform; computer software for the provision of financial trading services, securities exchange services, automated methods of crossing financial orders and electronic financial and crossing exchanges; magnetically encoded credit cards, debit cards, cash cards and cheque guarantee cards,” “retail store services featuring telecommunication apparatus, devices and accessories; on-line retail store services featuring telecommunication apparatus, devices and accessories,” “Insurance brokerage; financial and monetary affairs, namely, financial information, management, planning and analysis services; real estate brokerage; banking; stockbroking; providing cash and other rebates for credit card use as part of a customer loyalty program; provision of electronic payment services including electronic fund transfer services, electronic processing and subsequent transmission of bill payment data and on-line transaction facilities; loyalty program payment processing services; automated bill payment of accounts; collection of debts; insurance services provided over

the Internet or any other electronic network, namely, insurance brokerage, insurance consultancy and insurance indemnity; discount services, namely, financing of loans and discount of bills; personal equity plans, namely, equity capital investment; provision of investment and fund management information; administration of funds and investments; stock, shares and bond information and brokerage services; credit and debit card services; financial administration and management of employee pension plans; pension planning and investment consulting services; mutual funds management; financing of loans and mortgage lending; trust services, namely, investment trust company services; information, consultancy and advisory services relating to the aforesaid financial, insurance and real estate services; information, consultancy and advisory services relating to the aforesaid financial, insurance and real estate services provided on-line from a computer database or the Internet; information, consultancy and advisory services in relation to the aforesaid services provided over a telecommunications network,” “telecommunications and communication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks and the Internet; digital network telecommunications services; providing Internet chat rooms for transmission of messages among computer users concerning radio, music, blogs, podcasts, DJs, pictures, videos, books, games, movies and television; portal services for providing users access to a communications or computer network; providing e-mail services; radio and television broadcasting services; Internet broadcasting services; news agency services for electronic transmission; text and voice messaging services; consultancy, information and advisory services relating to the aforesaid telecommunications and communication services,” and “education, namely, conducting classes, seminars, conferences and workshops in the fields of entrepreneurship, transportation, telecommunications, hospitality and entertainment; providing training in the fields of entrepreneurship, transportation, telecommunications, hospitality and entertainment; entertainment services, namely, radio, television and Internet programs, blogs and podcasts in the fields of music, entertainment and news; organizing community sporting and cultural activities; production, distribution, presentation, syndication, networking and rental of sound and video recordings including television and radio programs, films and news programs; interactive entertainment, namely, presentation of live show performances, stage plays and music; concerts; recording studio services and the provision of recording studio facilities; audio recording services; provision and rental of radio and television studios and broadcasting facilities; interactive information relating to education, entertainment, sporting and cultural activities, and radio and television entertainment provided on-line from computer databases or from facilities provided on the Internet; publication services, namely, book publication services; consultancy, information and advisory services all relating to the aforesaid educational and entertainment services;”

- 49) U.S. Registration No. 4,419,522 for VIRGIN AMERICA for “Online retail store services featuring apparel, accessories, fragrances, watches, jewelry, sunglasses, electronics, cases for electronic products, gift cards, toys, model airplanes, liquor, cosmetics, luggage, bags, pet products, furniture, cookware, coffee makers, golf equipment, wall art, key rings;”
- 50) U.S. Registration No. 4,419,523 for VIRGIN AMERICA for “Jewelry; Key rings of precious metals; Watches;”
- 51) U.S. Registration No. 4,467,644 for VIRGIN for “Entertainment services, namely, providing games of skill and chance via the Internet; providing a web-based system and on-line portal for customers to participate in on-line gaming; on-line gambling services; on-line lottery services;”
- 52) U.S. Registration No. 4,467,646 for VIRGIN for “Entertainment services, namely, providing games of skill and chance via the Internet; providing a web-based system and on-line portal for customers to participate in on-line gaming; on-line gambling services; on-line lottery services;”
- 53) U.S. Registration No. 4,481,359 for VIRGIN GALACTIC for “aircraft, airplanes, space vehicles, and structural parts therefor,” “pictures; prints; writing instruments; event programs; photographs; paper; note pads; folders; and stationery,” “all-purpose sports bags; all-purpose carrying bags,” “clothing, namely, suits, flight suits, shirts, t-shirts, sweatshirts, track suits, jackets, coats, blazers, sweaters, hats, and headwear,” “toy models of aircraft, airplanes, space vehicles, and parts therefor,” and “air transportation; freight transportation by air; transportation of passengers by air; airport services; launching of space vehicles for others; transportation of passengers and freight through space; space travel agency services, namely, booking of transportation into space;”
- 54) U.S. Registration No. 4,559,134 for VIRGIN MOBILE and Design for “Mobile telephones, telephones, modems, and accessories therefor, namely, batteries, battery chargers, power supplies, charger adapters, phone clips, phone covers, phone cases, ear phones, headphones, receivers, microphones, car kits for the adaptation of portable communication apparatus and instruments for vehicular use, cables, hands free microphones, phone holders, car chargers, data cables, electrical wires and handsets, and memory cards,” “Retail store services featuring telecommunication apparatus, devices, and accessories; on-line retail store services featuring telecommunication apparatus, devices, and accessories; telephone directory services,” and “Telecommunications and communication services, namely, transmission of voice, data, graphics, images, audio, and video by means of telecommunications networks, wireless communication networks, and the Internet; personal communications services; pager services; electronic mail services; transmission or broadcast of news and information for others via telephone,

including the internet; consultancy, information and advisory services relating to the aforesaid telecommunications and communication services;”

- 55) U.S. Registration No. 4,638,930 for VIRGIN LIVE for “Apparatus for recording, transmission, or reproduction of sound or images; blank magnetic data carriers, pre-recorded magnetic data carriers featuring sound or video recordings, blank audio and video recording discs, pre-recorded audio and video recording discs featuring music, entertainment, sporting and cultural activities, television, movies, books, pictures, and videos; compact discs, DVDs, and other digital recording media featuring radio, music, blogs, podcasts, DJs, pictures, videos, books, movies, and television; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, and computers; computer software for use in personal computers, computer game consoles, and consumer electronics products for use in the transmission, reception, and storage of data, images, and digital information in the fields of music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, videos, podcasts, and blogs; computer hardware; computer software for use in personal computers, computer game consoles, and consumer electronics products for use in the transmission, reception, and storage of data, images, and digital information in the fields of music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, videos, podcasts, and blogs downloadable from the Internet; telecommunications apparatus, namely, telephones; mobile telecommunication apparatus, namely, personal digital assistants, pocket PCs, mobile telephones, and laptop computers; telecommunications network apparatus, namely, microphones, pickups, amplifiers, and speakers; drivers software for telecommunications networks and for telecommunications apparatus; mobile telephone covers not made of paper; mobile telephone cases; downloadable electronic publications in the nature of books, magazines, articles, catalogs, and brochures featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, services for providing food and drink, television, movies, books, pictures, videos, podcasts, and blogs; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding, and decoding of radio and television programs, and other audio, video, and image data; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding, and decoding of digital media content; video recordings, CDs, CD-Roms, DVDs, mini-disks, CD-Is featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, and videos; audio, video, and audio-visual recordings featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, and videos; cinematographical films featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, and videos; computer games software; computer software and telecommunications computer hardware to enable connection to databases

and the Internet; digital music downloadable from the Internet; digital music downloadable from MP3 Internet websites; magnetically-encoded cards for carrying data; parts and fittings for all the aforesaid goods,” “paper; cardboard; paper and cardboard goods, namely, stationery, envelopes, notebooks, note pads, stickers, address books, appointment books, blank journal books, diaries, postcards, calendars, wrapping paper, posters, art paper, art prints, art pictures, art etchings, art books, binders, writing pads, folders, and packaging materials; printed matter, namely, books, magazines, articles, catalogs, and brochures featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, services for providing food and drink, television, movies, books, pictures, and videos; bookbinding material; photographs; adhesives for stationery or household purposes; paint brushes; typewriters and office requisites, namely, writing instruments, pens, pencils, crayons, markers, erasers, sharpeners, rulers, pencil cases and holders, desktop business card holders, labels, mouse pads, highlighters, calculators, staplers, paper trimmers, stencils, stickers, and ring binders; printed instructional and teaching material in the fields of music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, and videos; plastic materials for packaging, namely, plastic bags; printers' type; printing blocks; plastic cards; printed publications, namely, books, magazines, articles, catalogs, and brochures featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, services for providing food and drink, television, movies, books, pictures, and videos; printed guides for sporting and cultural events; brochures about sporting and cultural events; printed timetables; printed pricelists; in-flight magazines in the fields of music, entertainment, leisure and lifestyle, sporting and cultural activities, news on current events, business, television, movies, books, pictures, videos, podcasts, and blogs; paper bags; printed event programs; printed tickets; parts and fittings for all the aforesaid goods,” “advertising; business management; business administration; advertising, promotion, marketing, business management, and business consultancy services relating to entertainment, sporting, and cultural activities, services for providing food and drink, music and entertainment, leisure and lifestyle, and marketing and promotion services; arranging of auction sales; retail store services and on-line retail store services featuring radios, records, music, books and comics, clothing, cosmetics and jewellery, perfumery, fashion accessories, media and consumer electronic devices, toys and games, cameras, personal grooming products, stationery, bags, wallets, confectionery, linens, and fabrics; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network,” “telecommunications services, namely, transmission of voice, data, graphics, images, audio, and video by means of telecommunications networks; mobile telecommunications services, namely, transmission of

voice, data, graphics, images, audio, and video by means of wireless telecommunications networks; telecommunication services provided via Internet platforms and portals, namely, transmission of voice, data, graphics, images, audio, and video by means of the Internet; providing access to portals on the Internet; mobile telecommunications network services, namely, mobile and wireless telephone communications, electronic mail, electronic voice messaging, namely, recording, storage, and subsequent transmission of voice messages by mobile telephone, electronic transmission of voice, video, messages, and data, voice transmission, voice mail, digital text messaging, and paging services; fixed line telephone communication services; providing mobile virtual private network (VPN) services; provision of broadband telecommunications access; wireless broadband communication services; broadcasting services, namely, television broadcasting, video broadcasting, Internet broadcasting, radio broadcasting, satellite broadcasting, and audio broadcasting; Internet access provider services; email and text messaging services; services of a network provider, namely, rental and handling of access time and providing telecommunications connections to data networks and databases, in particular, the Internet; communications services, namely, providing telecommunications connections to databases; leasing of access time to a computer database; providing access to computer databases; rental of access time to a computer database; computer-aided transmission of messages, audio, video, and image data; electronic communication services, namely, electronic transmission of data and documents among users of computers; television, cable television, satellite television, and subscription television broadcasting services; video text and television-screen-based information transmission services; news agency services for electronic transmission; text messaging services; text messaging services via SMS; audio relay services, namely, providing relay of sound from one room to another; providing Internet chat rooms; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network,” and “education services, namely, providing classes, seminars, and workshops in the fields of entrepreneurship, transportation, media and telecommunications, hospitality, music and entertainment, travel and tourism, finance and money, health and wellbeing, leisure and lifestyle, social and environmental issues, and energy conservation; providing of training; entertainment, namely, arranging and conducting of concerts, providing ongoing radio, television, and Internet programs, blogs, and providing podcasts, all in the fields of music, entertainment, and current news; organizing sporting and cultural activities; booking services in relation to tickets for live entertainment events, entertainment, and festivals; production and presentation of live show performances; syndication of television and radio programs, films, sound and video recordings,

interactive entertainment recordings, live shows, stage plays, entertainment exhibitions, and concerts; post-production editing services in the field of music, videos, and film, namely, editing of television and radio programs, films, sound and video recordings, interactive entertainment recordings, computer games, live shows, CDIs, and CD-Roms; rental of television and radio program recordings, films, sound, and video recordings, interactive entertainment recordings, CDIs and CD-Roms featuring sound and video recordings, computer games, live show recordings, stage play recordings, entertainment exhibition recordings, and concert recordings; audio recording and production; music production services; multimedia publishing of electronic books and magazines; entertainment services, namely, providing blogs and podcasts in the fields of music, entertainment, and current news; syndication of electronic books, magazines, and podcasts in the fields of music, entertainment, and current news; written text editing; copy editing of electronic books, magazines, brochures, blogs, and podcasts; electronic games services provided by means of the Internet or any other communications network; publication services; information about education or entertainment provided on-line from a computer database or the Internet or by means of television or radio programs; providing on-line, non-downloadable electronic publications in the nature of books, magazines, articles, catalogs, and brochures featuring music, entertainment, leisure and lifestyle, sporting and cultural activities, television, movies, books, pictures, videos, podcasts, and blogs; publication of electronic books and journals on-line; news reporters services; providing non-downloadable digital music from the Internet; entertainment in the nature of live music festivals; organising music festivals; organising of sporting, leisure, and entertainment events; organising of sporting, leisure, and entertainment events relating to charitable fundraising purposes; entertainment services, namely, organising, conducting, and supervising competitions in the field of entertainment, lotteries, and prize drawings in the nature of contests; health and fitness club services, namely, providing instruction and equipment in the field of physical exercise; exercise and fitness classes; provision of swimming pool facilities; personal trainer services; cruise ship entertainment services, namely, presentation of live show performances, music concerts, musicals, variety shows, dance performances, and comedy shows; holiday camp services; cinema facilities; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network;”

- 56) U.S. Registration No. 4,696,119 for VIRGIN for “Hotel services;”
- 57) U.S. Registration No. 4,696,120 for VIRGIN (stylized) for “Hotel services;”

- 58) U.S. Registration No. 4,682,319 for VIRGIN GALACTIC (stylized) for “Aircraft, airplanes, space vehicles namely, astronautical vehicles, aeronautical vehicles, astronautical vehicles and parts therefor” “magazines featuring adventure travel and space exploration, writing instruments, newsletters in the field of space travel news and events, photographs, paper, note pads, folders and stationery” “Clothing, namely, suits, shirts, t-shirts, jackets, coats, hats, outerwear, namely, parkas, wind vests, and coats” “Toy models of airplanes and spaceships” “Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, space vehicle transportation services, namely, launching of space vehicles, and transportation of passengers into space;”
- 59) U.S. Registration No. 4,688,904 for VIRGIN (stylized) for “Aircraft, airplanes, space vehicles namely, astronautical vehicles, aeronautical vehicles, astronautical vehicles and parts therefor” “Books featuring space travel and exploration, writing instruments, event programs, posters, guide books featuring outer space travel and amenities, newsletters in the field of space travel news and events, photographs, paper, note pads, folders and stationery” “Clothing, namely, shirts, T-shirts, jackets, coats, hats, headwear, outerwear, namely, parkas, wind vests, and coats” “Toy models of airplanes, spaceships, toys, namely, space vehicles” “Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, travel agency services, namely, making reservations and bookings for transportation, space vehicle transportation services, namely, launching of space vehicles, space travel agency services, namely, booking of transportation into space, and transportation of passengers into space;”
- 60) U.S. Registration No. 4,679,093 for VIRGIN PRODUCED for “downloadable computer application software for mobile devices, computers, handheld computers, and tablets, namely, software for transmission of audio, video, and multimedia programming,” “webcasting; audio, video, and multimedia broadcasting via the Internet and other communications networks; transmission of electronic media, multimedia content, videos, movies, audio content, and information via the Internet and other communications networks,” “entertainment services in the nature of development, creation, production, post-production, and distribution services of multimedia entertainment content; provision of non-downloadable audios, videos, and multimedia programs featuring music, television programs movies, and interactive games via an inflight entertainment system;”
- 61) U.S. Registration No. 4,804,560 for VIRGIN PULSE for “Pedometers; computer operating software for use in measuring, recording, and tracking weight, blood pressure, body fat, and biometric data; computer application software for mobile phones, namely, software for use in managing individuals' personal fitness, nutrition, health, and progress tracking”

“Promoting the sale of products and services of others through the administration of incentive award programs to promote personal health, physical fitness, the prevention of medical conditions, and the promotion of employee productivity, performance, recognition, and morale; promoting public awareness of the health and fitness benefits of physical activity” “Arranging and conducting incentive award programs to encourage the frequent, continued, and effective practice of physical exercise; providing physical fitness assessment and consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvements in their daily living; monitoring the fitness progress of individuals to help them make physical fitness, strength, conditioning, and exercise improvements in their daily living; providing online information and advice in the field of physical fitness” “Platform as a service (PAAS) featuring computer software platforms for use in managing individuals' personal fitness, nutrition, health, and progress; platform as a service (PAAS) featuring computer software platforms for enabling companies and organizations to administer and manage programs to promote employee productivity, performance, recognition, and morale; software as a service (SAAS) services featuring software for use in managing individuals' personal fitness, nutrition, health, and progress; software as a service (SAAS) services featuring software for enabling companies and organizations to administer and manage programs to promote employee productivity, performance, recognition, and morale” “Providing assistance, fitness evaluation, and consultation to organizations and companies to assist their employees or members in making health, wellness, and nutritional changes to improve health; providing health programs, namely, wellness programs; providing a website featuring information about health, wellness, and nutrition; providing information and advisory services relating to health, wellness, and nutrition programs;”

- 62) U.S. Registration No. 4,804,585 for VIRGIN PULSE and Design for “Pedometers; computer operating software for use in measuring, recording, and tracking weight, blood pressure, body fat, and biometric data; computer application software for mobile phones, namely, software for use in managing individuals' personal fitness, nutrition, health, and progress tracking” “Promoting the sale of products and services of others through the administration of incentive award programs to promote personal health, physical fitness, the prevention of medical conditions, and the promotion of employee productivity, performance, recognition, and morale; promoting public awareness of the health and fitness benefits of physical activity” “Arranging and conducting incentive award programs to encourage the frequent, continued, and effective practice of physical exercise; providing physical fitness assessment and consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvements in their daily living; monitoring the fitness progress of individuals to help them make physical fitness, strength, conditioning, and exercise improvements in their daily living; providing online information and advice

in the field of physical fitness” “Platform as a service (PAAS) featuring computer software platforms for use in managing individuals' personal fitness, nutrition, health, and progress; platform as a service (PAAS) featuring computer software platforms for enabling companies and organizations to administer and manage programs to promote employee productivity, performance, recognition, and morale; software as a service (SAAS) services featuring software for use in managing individuals' personal fitness, nutrition, health, and progress; software as a service (SAAS) services featuring software for enabling companies and organizations to administer and manage programs to promote employee productivity, performance, recognition, and morale” “Providing assistance, fitness evaluation, and consultation to organizations and companies to assist their employees or members in making health, wellness, and nutritional changes to improve health; providing health programs, namely, wellness programs; providing a website featuring information about health, wellness, and nutrition; providing information and advisory services relating to health, wellness, and nutrition programs;”

- 63) U.S. Registration No. 4,865,664 VIRGIN for “bar services; hotel accommodation services; restaurant services;”
- 64) U.S. Registration No. 4,865,665 VIRGIN (stylized) for “bar services; hotel accommodation services; restaurant services;”
- 65) U.S. Registration No. 4,865,667 VIRGIN HOTELS (stylized) for “bar services; hotel accommodation services; hotel services; restaurant services;”
- 66) U.S. Registration No. 4,865,666 VIRGIN HOTELS for “bar services; hotel accommodation services; hotel services; restaurant services;”
- 67) U.S. Registration No. 4,897,594 VIRGIN for “musical sound recordings; downloadable musical sound recordings; downloadable digital musical sound recordings provided from MP3 internet websites” “Promotion and distributorship in the field of sound recordings” “streaming of audio and visual material via a mobile application” “production of sound recordings;”
- 68) U.S. Registration No. 4,900,588 VIRGIN MONEY for “Financial services, namely, credit and loan services; financing and loan services, electronic loan origination services, electronic funds transfer service via the Internet to enable individuals to engage in lending and borrowing transactions with other individuals, arranging of loans, providing student loan information, student loan services;”
- 69) U.S. Registration No. 4,951,625 VIRGIN POKER for “Entertainment services, namely, providing games of skill and chance via the internet; providing a web-based system and on-line portal for customers to

participate in on-line gaming; on-line gambling services; on-line lottery services;”

- 70) U.S. Registration No. 4,951,766 VIRGIN CASINO for “Entertainment services, namely, providing games of skill and chance, casino gaming, gambling, betting, and lottery services via the Internet; providing a web-based system and on-line portal for customers to participate in on-line gaming, gambling, betting, and lottery services; entertainment services in the nature of fantasy sports leagues and online fantasy games; providing a web-based system and on-line portal for customers to participate in on-line gaming, operation, and coordination of game tournaments, leagues, and tours; on-line gambling services; on-line betting services; on-line lottery services; providing information in the fields of gaming, gambling, betting and fantasy sports and games;”
- 71) U.S. Registration No. 4,941,508 VIRGIN DISRUPTORS for “Internet broadcasting services; video broadcasting; steaming of audio, visual, and audiovisual material on the Internet; streaming of video material on the Internet” “educational and entertainment services, namely, providing news and information via a website in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events; educational and entertainment services, namely, conducting and organizing programs in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events;”
- 72) U.S. Registration No. 4,941,507 VIRGIN DISRUPTORS (stylized) for “Internet broadcasting services; video broadcasting; streaming of audio, visual, and audiovisual material on the Internet; streaming of video material on the Internet” “educational and entertainment services, namely, providing news and information via a website in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events; educational and entertainment services, namely, conducting and organizing programs in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events;”
- 73) U.S. Registration No. 4,810,741 VIRGIN (stylized) for “Arranging and organizing of cruises; operating a cruise line namely, the transportation of passengers by water.”
- 74) U.S. Registration No. 5,076,291 for VIRGIN RECORDS for “Compact discs, DVDs and other digital recording media; computer software featuring musical sound recordings and musical video recordings; computer application software for the streaming of audio and visual material and purchasing music; digital music downloadable from the internet; videos, CDs, DVDs; audio, video and audio-visual recordings; digital music

downloaded from the Internet; digital music provided from MP3 Internet websites; digital music downloadable from the internet” “printed matter, namely, covers and sleeves for disc and vinyl records” “advertising; advertising, promotion marketing, business management and business consultancy services relating to music and entertainment; marketing and promotion services” “entertainment in the nature of concerts; production, presentation, reviewing, editing of material with a visual and/or audio element, sound and video recordings, and concerts; production, presentation, reviewing, editing of digital media in the field of music; organizing of entertainment events; reservation and sale of tickets for concerts.”

- 75) U.S. Registration No. 5,105,553 VIRGIN for “Operation of fitness centers; providing health club services” “Health spa services, namely, providing massage, facial and body treatment services, cosmetic body care services.”
- 76) U.S. Registration No. 5,184,251 VIRGIN SPORT for “Computer software, namely, an application for collecting, tracking, managing, editing, organizing, modifying, transmitting, storing, and sharing data and information in the fields of fitness, sports, and lifestyle wellness” “clothing, namely, tops, bottoms, headgear, and footwear” “organizing and conducting sporting events and post-event parties, namely, races; providing information relating to sporting events, fitness; entertainment services, namely, providing a website in the fields of sports and fitness” “providing information relating to lifestyle wellness; providing a website featuring information regarding lifestyle wellness.”
- 77) U.S. Registration No. 5,198,041 for VIRGIN AMERICA and Design for “Apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank recording discs; compact discs, DVDs and other digital recording media, namely, downloadable audio and video recordings featuring music and movies; calculating machines, data processors, computers; computer software for use to access an on-demand entertainment system; computer hardware; computer games software; computer software recorded onto CD Rom, namely, computer game software; data processing apparatus; mobile telephones; televisions; headphones; mobile telephone covers; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding and decoding of radio and television programmes, and other audio, video and image data, namely, signal processors; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding and decoding of digital media content, namely signal processors; audio, video and audio-visual recordings featuring music and movies; interactive video game programmes; computer programmes for interactive television and for interactive games and/or quizzes; magnetically encoded cards for carrying data, namely, multifunction cards for financial services, charge cards, cash cards, bank cards, cheque cards, credit cards, debit cards” “Advertising,

promotion, marketing services relating to travel and tourism; administration of a customer loyalty program which allows members to redeem miles for free or discounted air travel, or for points or awards for the purpose of promoting loyalty; advertising services relating to the transport industries; retail store services featuring luggage; management of an airline company” “Transport of goods and passengers by air; travel arrangement; travel agency services, namely, making reservations and booking for package holiday trips and luxury holidays travel; airline transportation services; limousines services; travel ticket reservation services and reservation services for flights and limousines; travel agency services, namely, making reservations and bookings for holiday tourists; air transport services; ground transport, namely, limousine transport; airline transportation services; bookings of airline travel tickets; airline travel ticket reservation services; airline check-in services; airline and shipping services; travel agency services, namely, making reservations and bookings for airline travel; provision of information relating to airline arrivals; arranging the emergency replacement of airline tickets; provision of information relating to airline departures; provision of information relating to airline scheduling; passenger transport; air transport; transportation information; transportation of passengers by road and air; arranging transportation of passengers by road and air; provision of data relating to the transportation of passengers; provision of information relating to the transportation of passengers; information and advisory services relating to the aforesaid” “Entertainment services, namely, providing movies, television programs, radio programs, and electronic games via the Internet, via an inflight entertainment system on airplanes, and on-line from Internet television and radio; organization of lotteries” “Providing of food and drink; serving food and drinks; preparation of food and drink; coffee and snack bars; bar services; snack bar services.”

- 78) U.S. Registration No. 5,239,316 for VIRGIN ACTIVE for “providing facilities for and organizing sporting and cultural activities and events; operation of leisure centers, namely, providing library services; providing health club services, namely, providing instruction and equipment in the field of physical exercise.”
- 79) U.S. Registration No. 5,239,657 for VIRGIN SPORT and Design for “Computer software, namely, an application for collecting, tracking, managing, editing, organizing, modifying, transmitting, storing, and sharing data and information in the fields of fitness, sports, and lifestyle wellness;” “Clothing, namely, tops, bottoms, headwear, and footwear;” “Organizing and conducting sporting events and post-event parties, namely, races; providing information relating to sporting events and fitness; entertainment services, namely, providing a website in the fields of sports and fitness;” “Providing information relating to lifestyle wellness; providing a website featuring information regarding lifestyle wellness.”

- 80) U.S. Registration No. 5,239,658 for VIRGIN SPORT and Design for “Computer software, namely, an application for collecting, tracking, managing, editing, organizing, modifying, transmitting, storing, and sharing data and information in the fields of fitness, sports, and lifestyle wellness;” “Clothing, namely, tops, bottoms, headwear, and footwear;” “Organizing and conducting sporting events and post-event parties, namely, races; providing information relating to sporting events and fitness; entertainment services, namely, providing a website in the fields of sports and fitness;” “Providing information relating to lifestyle wellness; providing a website featuring information regarding lifestyle wellness.”
- 81) U.S. Registration No. 5,239,659 for VIRGIN SPORT and Design for “Computer software, namely, an application for collecting, tracking, managing, editing, organizing, modifying, transmitting, storing, and sharing data and information in the fields of fitness, sports, and lifestyle wellness;” “Clothing, namely, tops, bottoms, headwear, and footwear;” “Organizing and conducting sporting events and post-event parties, namely, races; providing information relating to sporting events and fitness; entertainment services, namely, providing a website in the fields of sports and fitness;” “Providing information relating to lifestyle wellness; providing a website featuring information regarding lifestyle wellness.”
- 82) U.S. Registration No. 5,239,667 for VIRGIN SPORT and Design for “Computer software, namely, an application for collecting, tracking, managing, editing, organizing, modifying, transmitting, storing, and sharing data and information in the fields of fitness, sports, and lifestyle wellness;” “Clothing, namely, tops, bottoms, headwear, and footwear;” “Organizing and conducting sporting events and post-event parties, namely, races; providing information relating to sporting events and fitness; entertainment services, namely, providing a website in the fields of sports and fitness;” “Providing information relating to lifestyle wellness; providing a website featuring information regarding lifestyle wellness.”
- 83) U.S. Registration No. 5,256,518 for VIRGIN for “Computer games software for personal computers and home video game consoles; downloadable electronic game programs; digital media, namely, pre-recorded dvds and downloadable audio and video recordings featuring artistic performances; headphones;” “Jewelry;” “Furniture;” “Clothing, namely, t-shirts, pants, skirts, dresses, coats, jackets, ties, headwear, gloves, underwear, lingerie, socks, robes, pajamas, footwear, and waist belts;” “On-line retail store services featuring mobile phones, mobile phone accessories, clothing, jewelry, watches, sunglasses, fragrances, works of art, printed books, video games, home furnishings, electronics, headphones, sunglasses, and a wide variety of consumer goods of others; retail store services featuring mobile phones, mobile phone accessories, clothing, jewelry, watches, sunglasses, fragrances, works of art, printed books, video games, home furnishings,

electronics, headphones, sunglasses, and a wide variety of consumer goods of others.”

- 84) U.S. Registration No. 5,262,903 for VIRGIN for “Transport by boat; packaging and storage of goods; travel arrangement in the nature of arranging transport for travelers; arranging and organisation of cruises; transportation of passengers by cruise ship; cruise ship transport services; all of the foregoing cruise ship services featuring the provision of magnetically encoded and bar coded cards to guests on the cruise ships for personal identification, room access, and conducting financial transactions; tour arranging, namely, arranging guided land tours and guided tours of cruise ships; transport of passengers by boat; rental of boats; escorting of travellers; ferry boat charter services; organization of transport for excursions; travel, excursion travel and cruise arrangement; reservation of tickets for cruises; information, advisory and consultancy services relating to the aforesaid;” “Entertainment, namely, arranging and conducting of nightclub entertainment services, live visual and audio performances, namely, musical performances, dance performances, variety shows, and comedy shows; sporting and cultural activities, namely, organizing community sport and cultural events; cruise ship entertainment services, namely, casino services, organizing and conducting live stage shows, nightclub theatrical and musical floor shows, arranging of contests, dance events and conducting parties; provision of play facilities for children; electronic games services provided by means of the internet or any other electronic communications network; information relating to education and entertainment, provided on line from a computer database or the internet or by means of television or radio programmes; providing on-line non-downloadable electronic publications in the nature of brochures in the field of cruises; organising of sporting, leisure and entertainment events, namely, organizing community experiences featuring primarily sporting event, art exhibitions, art exhibitions, ethnic dance performances and also providing shopping markets and dinners; organising, conducting and supervision of competitions, namely, arranging and conducting athletic competitions; operating lotteries and lottery prize draws; ticket reservation and booking services for shows, cinema, concerts, theatre, and sports events; health and fitness club services, namely, providing instruction and equipment in the field of physical exercise; providing exercise and fitness classes; gym club services, namely, providing gymnasiums; health clubs, namely, providing instruction and equipment in the field of physical exercise; provision of swimming pool facilities; personal trainer services; provision of play facilities for children; night clubs; recreational services in the nature of pools; miniature golf courses; entertainment in the nature of a waterslide; entertainment in the nature of live presentation of motion picture films, namely, movie theater services; entertainment in the nature of continuing television programs and satellite radio programs featuring comedy, drama, variety, sports and fashion broadcast over satellites; entertainment in the nature of simulcast presentations, namely, conducting live parties, live

presentation of motion picture films in the nature of movie theaters, officiating at sporting contests, providing online interactive video games, providing deck board games, namely, parlor games, dice games, party games, dart games, card games, manipulative games, and role-playing games played on the deck of a cruise ship, providing live musical concerts, theatrical and variety shows and performances all provided simultaneously in the same location; entertainment, namely, continuing variety, comedy, sports, musical concert shows broadcast over television, satellite, audio, and video media; toddlers' entertainment program provided aboard a cruise ship, namely, reading stories, puppet shows, skits and group theatrical activities; provision of cinema facilities; the provision of self-improvement speaking events, training and lectures, namely, providing motivational and educational speakers in the field of self-improvement; information and advisory services relating to the aforesaid;" "Services for providing food and drink; temporary accommodation services, namely, booking of temporary accommodation, rental of temporary accommodation, and providing temporary accommodation; providing temporary lodging on cruise ships; resort lodging services; hotel services; the provision of hotel concierge services in the nature of making reservations and bookings for others for accommodations and meals at hotels; services relating to hotel reservations and the reservation of temporary accommodation, namely, agency services for booking hotel accommodation; restaurant services; club services in the nature of providing club members temporary accommodations in leased private residences; nightclub reservation services, namely, arranging for cocktails and table service reservations at night clubs and night club events; public house services in the nature of boarding house services; café, cafeteria and bar and cocktail lounge services; snack bar services; catering; hotel and making hotel reservation services for others; day nurseries; childcare and crèche services; travel agency services, namely, making reservations and bookings for temporary lodging, restaurants and meals; information and advisory services relating to the aforesaid."

- 85) U.S. Registration No. 5,256,519 for VIRGIN (stylized) for "Computer games software for personal computers and home video game consoles; downloadable electronic game programs; digital media, namely, pre-recorded dvds and downloadable audio and video recordings featuring artistic performances; headphones;" "Jewelry; watches;" "Articles of luggage, namely, suitcases; bags, namely, back packs, rucksacks, school bags, school satchels, travelling bags, sports bags, textile shopping bags; wallets;" "Furniture;" "Clothing, namely, t-shirts, pants, skirts, dresses, coats, jackets, ties, headwear, gloves, underwear, lingerie, socks, robes, pajamas, footwear, and waist belts;" "On-line retail store services featuring mobile phones, mobile phone accessories, clothing, jewelry, watches, sunglasses, fragrances, works of art, printed books, video games, home furnishings, electronics, headphones, sunglasses, and a wide variety of consumer goods of others; retail store services featuring mobile phones, mobile phone accessories, clothing, jewelry, watches, sunglasses,

fragrances, works of art, printed books, video games, home furnishings, electronics, headphones, sunglasses, and a wide variety of consumer goods of others.”

- 86) U.S. Registration No. 5,258,751 for VIRGIN GAMES for “entertainment services, namely, providing games of skill and chance via the internet; providing a web-based system and on-line portal for customers to participate in on-line gaming; on-line gambling services; on-line lottery services.”
- 87) U.S. Registration No. 5,259,474 for VIRGIN ATLANTIC VIRGIN Design for “Transportation of and arranging transportation of goods and passengers by road and air; freight transportation services by air; transportation of human beings by means of land vehicles; chauffeur services; travel agency services, namely, making reservations and bookings for transportation; arranging and conducting travel tour transportation; operation of aircraft for others, namely, air transportation services.”
- 88) U.S. Registration No. 5,273,637 for VIRGIN RED for “Computer software, namely, an application for commercial services, namely, conducting and facilitating e-commerce transactions, collecting, developing and disseminating product information, and developing and disseminating special offerings;” “Consumer loyalty services for commercial, promotional, and advertising purposes, namely, the administration of an incentive program that allows consumers to earn points or awards to redeem for prizes in the fields of entertainment, lifestyle, food and drink, and travel;” “Platform as a service (paas) featuring computer software platforms for commerce services, namely, conducting and facilitating e-commerce transactions, collecting, developing, and disseminating product information, and developing and disseminating special offerings.”
- 89) U.S. Registration No. 5,314,170 for VIRGIN VOYAGES for “Transport by boat; packaging and storage of goods; travel arrangement in the nature of arranging transport for individuals or groups of travelers; arranging and organisation of cruises; transportation of passengers by cruise ship; package holiday and travel agency services, namely, making reservations and bookings for cruises; reservation and sale of tickets for holidays and cruises, namely, transport reservation services and travel ticket reservation services; travel, excursion and cruise arrangement, namely, coordinating travel arrangements and transport for excursions for individuals and for groups and arranging cruises; organization of holidays, namely, organizing travel for others; organization of luxury holidays, namely, organizing travel for others; holiday travel reservation services, namely, holiday travel ticket reservation service; organisation of holiday travel; arranging of holiday transport for travelers; package holiday services for arranging travel, namely, coordinating travel arrangements for individuals and for groups; travel booking agency services for arranging holiday travel; transport

services by boat; travel airline ticket reservation services; scheduled passenger airline transportation services; provision of information relating to airline arrivals; provision of information relating to airline departures; arranging airline tickets and cruise tickets, namely, travel ticket reservation services; passenger transport; transportation information; arrangement of transport for travelers; transportation of passengers; arranging transportation of passengers by sea; provision of information relating to the transportation of passengers; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network;” “Entertainment, sporting and cultural activities, namely, organizing community sport and cultural events; electronic games services provided by means of the internet or any other communications network; information relating to education and entertainment, provided on line from a computer database or the internet or by means of television or radio programmes; providing on-line non-downloadable electronic publications in the nature of brochures in the field of cruises; organising of sporting, leisure and entertainment events, namely, organizing community festivals featuring primarily sporting events, art exhibitions, ethnic dance performances and also providing shopping markets in the nature of flea markets, and dinners; operating lotteries and prize draws; ticket reservation and booking services for recreational and leisure events, namely, shows, cinema, concerts, theatre, festival and sports events; health and fitness club services namely, providing instruction and equipment in the field of physical exercise; conducting exercise and fitness classes; gym club services, namely, providing fitness and exercise facilities; provision of swimming pool facilities; personal trainer services; cruise ship entertainment services, namely, casino services, organizing and conducting live show performances, live musical shows, variety shows, comedy shows, nightclub theatrical and musical floor shows, arranging contests, dance performances, and conducting parties; toddlers' entertainment program provided aboard a cruise ship, namely, reading stories, puppet shows, skits and group theatrical live visual and audio performances; holiday camp services; provision of cinema facilities; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network;” “Services for providing food and drink; providing temporary accommodation; food preparation; food and drink catering; serving food and drinks; preparation of food and drink; rental of food service apparatus; catering for the provision of food and beverages; provision of information relating to the preparation of food and drink; bars, namely, coffee bars; wine bars; bar services; restaurants; snack bar services; resort services namely,

resort lodging services; hotel services; making hotel reservations for others and the reservation of temporary accommodation; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.”

- 90) U.S. Registration No. 5,320,475 for VIRGIN CREATIVE for “Advertising, marketing and promotion services.”
- 91) U.S. Registration No. 5,334,123 for VIRGIN GALACTIC Logo for “Aircraft, airplanes, space vehicles, namely, aeronautical vehicles, astronautical vehicles, and structural parts therefor.” “Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, travel agency services, namely, making reservations and bookings for transportation, space vehicle transportation services, namely, launching of space vehicles, space travel agency services, namely, booking of transportation into space, and transportation of passengers into space.”
- 92) U.S. Registration No. 5,338,088 for VIRGIN CONNECT for “Transmitting and receiving apparatus for radio and television broadcasting and for long-distance transmission; aerials; computer software for personalized, interactive television programming; computer software for accessing, transmitting, and displaying audio-visual data between digital media streaming devices and television monitors; computer hardware for telecommunications; electronic apparatus and instruments for processing, logging, storing, transmission, reception, display and/or printout of data; electronic apparatus and instruments for management and/or performance analysis of telecommunications and data communications networks and circuits; electronic apparatus and instruments for transmitting, displaying, receiving, storing and searching electronic information; electronic apparatus and instruments for interrogating answering machines and/or accessing telephone services; mobile and telephone communications equipment for transmitting, receiving and storing electronic data being electrical and electronic apparatus, instruments, circuits and components for use with computers, data processing apparatus, communications networks, or telecommunications installations; personal electronic devices being combined telephone, game-playing, mp3-playing and camera equipment; telecommunication apparatus and instruments, namely, base stations, cables, exchangers, switches, towers, and transmitters; pagers, telephone apparatus, mobile telephones; modems; broadband wireless equipment, namely, telecommunications base station equipment for cellular and fixed networking and communications applications; broadband power line communication systems for transferring broadband data over electrical power lines, comprised of computer hardware, software and modems; parts

and fittings for all the aforesaid goods.” “Advertising services; business management; business administration services; office functions; employment agencies; recruitment services, namely, personnel recruitment; commercial information agency services; provision of business information; compilation of information into computer databases; rental of advertising space; accounting services; conducting marketing studies; public opinion polling; demonstration of goods; direct mail advertising; dissemination of advertising matter; management consultancy services; photocopying services; publicity agency services; stenographic transcription services; sales promotion for others; word processing services; telephone answering for unavailable subscribers; business enquiries; professional business consultancy; data search, namely, data compiling relating to business management; retail store services and online retail store services, namely, the bringing together, for the benefit of others, of tapes, records, compact discs, videos, digital video discs, apparatus and instruments, all for recording, reproduction and/or transmitting sound, or video information, video recordings, CD-ROMs, video games, telephonic apparatus and instruments, telecommunication equipment, mobile phones, mobile phone accessories, photographic equipment, cinematographic apparatus, data processing equipment and computers, computer software, radio and television apparatus, sound and/or video recordings, electronic games, electronic amusement apparatus, computer games, tapes, cases, bags, holdalls, carriers and containers all adapted for carrying or storing any of the aforesaid goods, parts and fittings for the aforesaid goods, jewellery, watches and key rings, printed matter, photographs, posters, calendars, magazines, printed publications, mugs, clothing, footwear and headgear, handheld video and computer games and cuddly toys, enabling customers to conveniently view and purchase those goods through physical retail outlets and/or Internet sites.” “Insurance services, namely, insurance carrier services for mobile telephones.” “Telecommunications access services; telecommunication services, namely, local and long distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, satellite, wireless networks, wireless communications networks, and broadband transmissions; telecommunication services, namely, wireless telephone services; internet broadcasting services; cable radio and television broadcasting services; television and radio broadcasting; communications via computer terminals by satellite; communication services, namely, transmission of voice, data, images, audio, video, and information via telephone, television, radio or the Internet; facsimile transmission; telecommunications services, namely, personal communications services and pager services; electronic transmission of mail and messages; transmission or broadcast of news, music, information or images via telephone, television, radio, satellite or the Internet; electronic message transmission services; teleconferencing services; providing information transmission and telecommunications and broadcasting services via digital networks; providing telecommunications connections to a global computer

network; electronic bulletin board services; communications via computer terminals, telephone fibre optic networks or other telecommunications media; rental of telecommunications equipment; telecommunications routing and junction services.” “Arranging, organizing, conducting and hosting entertainment, sporting and cultural activities; rental of audio equipment, video cameras, cameras, photographic equipment, camcorders, lighting apparatus, motion pictures or sound recordings; entertainment information and information on education, namely, providing information regarding education, entertainment, and sporting or cultural events; presentation of live show performances; arranging and conducting athletic competitions.”

- 93) U.S. Registration No. 5,379,236 for VIRGIN GALACTIC Logo in Black and White for “Aircraft, airplanes, space vehicles, namely, astronautical vehicles, aeronautical vehicles, astronautical vehicles and structural parts therefor.” “Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, travel agency services, namely, making reservations and bookings for transportation, space vehicle transportation services, namely, launching of space vehicles, space travel agency services, namely, booking of transportation into space, and transportation of passengers into space.”
- 94) U.S. Registration No. 5,383,155 for VIRGIN WINES for “Wines; flavored wines; red wine; white wine; sparkling wine; fortified wines” “advertising; retail services and online retail services connected with the sale of wines, flavoured wines, red wine, white wine, sparkling wine, fortified wines; information and advisory services in relation to the aforesaid services.”
- 95) U.S. Registration No. 5,446,246 for VIRGIN BET for “Computer game software featuring card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and betting activities; computer software for conducting and administering online games, gambling and competitions; downloadable online game software and game-related mobile phone applications, namely, downloadable computer game programs and downloadable electronic game programs featuring card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and betting activities; computer software and hardware relating to games, gaming, gambling, casino, bingo, instant win, lottery and betting activities; computer application software for mobile phones, portable media players, handheld computers featuring games, card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and betting activities; computer software to enable searching, browsing and retrieving information, websites, and other resources available on global computer networks for others; computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media and information in the fields of

virtual communities, electronic gaming, entertainment and general interest via the internet or other communications networks; computer hardware relating to games, card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and betting activities; electronic publications and information, downloadable, or provided by electronic mail, namely, books, magazines, manuals, newsletters and articles, all relating to games, card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and/or betting.” “Printed publications, namely, brochures, books, booklets, journals, and magazines in the field of games, gaming, gambling, casino, bingo, instant win, lottery, slot machines, betting and sports.” “Electronic or electro-technical gaming apparatus, namely, gaming machines for gambling and games of chance; machines for playing games of chance, games of skill and games of mixed skill and chance; parlor games; slot games; lottery games; parts and fittings for all of the aforesaid goods.” “Telecommunication services, namely, electronic transmission of streamed and downloadable audio, video and game files via computer and electronic communications networks; providing telecommunication connectivity services and access to electronic telecommunications networks for transmission or reception of audio, video, game or multimedia content; providing online facilities, via a global computer network and other computer and electronic communication networks, for real-time interaction with other computer users to enable users to access multimedia content; electronic transmission of audio and video content via interactive multimedia software; providing interactive internet access services for the purposes of gaming, amusement and entertainment; providing interactive internet broadcasting services for the purposes of gaming, amusement and entertainment; providing interactive internet communications services for the purposes of gaming, amusement and entertainment; providing access to gambling and gaming websites on the internet; providing access to databases in the field of computer games, gaming and social networking; transmission of information over a global computer network such as the internet featuring messages, images and information pertaining to entertainment, competitions, tournaments, games, card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery and betting; delivery of messages by electronic transmission; providing instant electronic messaging services; chat room services for social networking; providing online chat rooms, electronic bulletin boards and community forums for social networking; providing online chat rooms, electronic bulletin boards and community forums for the transmission of messages among users of computers, mobile or handheld devices, or wired or wireless communication devices, concerning entertainment, music, concerts, videos, radio, television, film, news, sports, games, card games, slot games, video games, gaming, gambling, casino, bingo, poker, instant win, lottery, betting, cultural events and general interest; webcasting services; consultancy, information and advisory services relating to all the aforesaid services.” “Entertainment services,

namely, providing games, card games, lotteries, gambling games, video games, poker games, bingo games, slot games via the internet, telephone, mobile devices, handheld devices, television, and radio; gaming services in the nature of casino gaming and gambling; betting services; providing off track betting facilities; lottery services; entertainment services, namely, providing online computer games and non-downloadable game applications for mobile phones within online computer games; entertainment services, namely, providing virtual environments in which users can interact through social games for recreational, leisure or entertainment purposes; providing interactive multi-player games via the internet and electronic communications networks; entertainment services, namely, arranging, organizing and conducting online contests, competitions, tournaments, games of skill, games of chance and games of mixed skill and chance; entertainment services, namely, providing online reviews of computer games for entertainment purposes and providing information in the field of computer games; providing sports betting websites; consultancy, information and advisory services relating to all the aforesaid services.” “Design and development of computer hardware relating to the operation of online gaming software; consultancy services relating to the operation of online gaming; installation, implementation, maintenance, repair of software applications relating to the operation of online gaming; implementation of computer software systems for data processing; consultancy and technical support services, namely, monitoring and updating technological functions of computer network systems relating to computer software in the field of online gaming; technical support services, namely, updating and maintenance of computer software; computer system integration services; information, advisory and consultancy services relating to all the aforesaid.”

- 96) U.S. Registration No. 5,456,998 for VIRGIN Logo for “Railway cars.” “Business consultancy and advisory services, namely, planning, design, and development in the fields of rail transportation and railways; arranging the transport of goods of others by rail.” “Railway construction; construction consultation.” “Transportation of goods and passengers by rail; arranging the transport of passengers by rail.”
- 97) U.S. Registration No. 5,473,434 for VIRGIN VOYAGES Logo in Black and White for “Transport by boat; packaging and storage of goods; travel arrangement in the nature of arranging transport for individuals or groups of travelers; arranging and organization of cruises; cruise ship services; package holiday and travel agency services, namely, making reservations and bookings for cruises; arranging and booking of travel for luxury holidays, namely, travel booking agencies; arranging and organization of transport of passengers by train; hot air balloon travel, namely, transportation of passengers by hot air balloon; airship travel, namely, transportation of passengers by airship; taxi services; motorcycle taxi services; limousines services; reservation and sale of tickets for holidays, cruises, flight, transport, balloon flights, taxi services, motorcycles services

and limousine rides, namely, transport reservation services and travel ticket reservation services; travel, excursion and cruise arrangement, namely, coordinating travel arrangements and transport for excursions for individuals and for groups and arranging cruises; organization of holidays, namely, organizing travel for others; organization of luxury holidays, namely, organizing travel for others; holiday travel reservation services, namely, holiday travel ticket reservation services; organization of holiday travel; arranging of holiday transport for travelers; package holiday services for arranging travel, namely, coordinating travel arrangements for individuals and for groups; travel agency services for arranging holiday travel; transport services by boat; airline transportation services; airline bookings; travel airline ticket reservation services; scheduled passenger airline services; airline check-in services; airline and shipping services; provision of information relating to airline arrivals; arranging the emergency replacement of airline tickets; provision of information relating to airline departures; provision of information relating to airline scheduling; arranging airline tickets, cruise tickets and train tickets, namely, travel booking agency services; passenger transport by air; transportation information; arrangement of transport for travelers; transportation of passengers; arranging transportation of passengers by road, rail, air and sea; provision of data relating to the transportation of passengers; cruise ship transport services, featuring magnetically encoded and bar coded cards to guests on cruise ships for personal identification, room access, and conducting financial transactions; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.”

- 98) U.S. Registration No. 5,473,435 for VIRGIN VOYAGES Logo in Color for “Transport by boat; packaging and storage of goods; travel arrangement in the nature of arranging transport for individuals or groups of travelers; arranging and organization of cruises; cruise ship services; package holiday and travel agency services, namely, making reservations and bookings for cruises; arranging and booking of travel for luxury holidays, namely, travel booking agencies; arranging and organization of transport of passengers by train; hot air balloon travel, namely, transportation of passengers by hot air balloon; airship travel, namely, transportation of passengers by airship; taxi services; motorcycle taxi services; limousines services; reservation and sale of tickets for holidays, cruises, flight, transport, balloon flights, taxi services, motorcycles services and limousine rides, namely, transport reservation services and travel ticket reservation services; travel, excursion and cruise arrangement, namely, coordinating travel arrangements and transport for excursions for individuals and for groups and arranging cruises; organization of holidays, namely, organizing travel for others; organization of luxury holidays, namely, organizing travel for others; holiday travel reservation services, namely, holiday travel ticket reservation

services; organization of holiday travel; arranging of holiday transport for travelers; package holiday services for arranging travel, namely, coordinating travel arrangements for individuals and for groups; travel agency services for arranging holiday travel; transport services by boat; airline transportation services; airline bookings; travel airline ticket reservation services; scheduled passenger airline services; airline check-in services; airline and shipping services; provision of information relating to airline arrivals; arranging the emergency replacement of airline tickets; provision of information relating to airline departures; provision of information relating to airline scheduling; arranging airline tickets, cruise tickets and train tickets, namely, travel booking agency services; passenger transport by air; transportation information; arrangement of transport for travelers; transportation of passengers; arranging transportation of passengers by road, rail, air and sea; provision of data relating to the transportation of passengers; cruise ship transport services, featuring magnetically encoded and bar coded cards to guests on cruise ships for personal identification, room access, and conducting financial transactions; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.”

- 99) U.S. Registration No. 5,461,712 for VIRGIN CREATE for “Advertising, marketing and promotion services.”
- 100) U.S. Registration No. 5,548,974 for VIRGIN and Design for “Vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes; railway cars; rail vehicles; railway carriages; railway passenger carriages; axles for vehicles; bodies for railway cars; bogies for railway cars; brakes for land vehicles; doors for railway cars; electric locomotives; electric railway cars; fitted hatch covers for railway cars to prevent entry of water and moisture; flanges for railway wheel tires; freight trains; funicular railcars; locomotives; trains; passenger trains; electric trains; railway bogies; railcars; railway couplings; railway freight cars; railway handcars; railway passenger cars; seats for railway cars; structural parts for trains; suspension arms for trolley railways; tipping apparatus for use with railway freight cars; undercarriages for railway cars; parts and fittings for all the aforesaid goods;” “Advertising services; business management; business administration services; providing office functions; marketing services; providing business marketing information; marketing advisory services; business marketing services; advertising and publicity services; internet advertising services; on-line retail services in the field of travel and transportation; retail services offered by travel and transport providers relating to ticket machines, ticket holders, wallets and organisers for tickets, cards and travel documents; mail order and electronic shopping retail services in the field of travel relating to ticket machines, ticket holders,

wallets and organisers for tickets, cards and travel documents; loyalty card services; organisation, operation and management of loyalty and incentive schemes; business management in the field of transport and delivery; business management services all relating to transport and infrastructure projects; business consultancy in the field of transport and delivery; data processing services in the field of transportation; provision of commercial information in the field of transportation; consultancy services all connected with vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes, railway cars, rail vehicles, railway carriages, railway passenger carriages, axles for vehicles, bodies for railway cars, bogies for railway cars, brakes for land vehicles, doors for railway cars, electric locomotives, electric railway cars, fitted hatch covers for railway cars to prevent entry of water and moisture, flanges for railway wheel tires, freight trains, funicular railcars, locomotives, trains, passenger trains, electric trains, railway bogies, railcars, railway couplings, railway freight cars, railway handcars, railway passenger cars, seats for railway cars, structural parts for trains, suspension arms for trolley railways, tipping apparatus for use with railway freight cars, undercarriages for railway cars; business consultancy and advisory services, namely, planning, design, and development in the fields of rail transportation and railways; information, consultancy and advisory services for all the aforesaid services;" "Building construction and repair; installation services, namely, installation and maintenance of transportation equipment and systems; advisory services relating to the installation of security and safety equipment; construction of buildings; construction of pipelines; construction of vehicles; construction consultancy; building construction information; pipeline construction information; vehicle construction information; consultancy and information services relating to construction; construction advisory services; construction management; consultancy, information and advisory services relating to the construction of public works; construction project management services; rental of construction equipment; construction of civil engineering works; installation and maintenance of transmission and broadcasting equipment, apparatus and instruments; installation, maintenance and repair of railroad tracks; repair and installation services relating to railway cars, railway engines, railway vehicles, bogies for railway cars, brakes for vehicles, buffers for railway rolling stock, railway carriages, railway couplings, flanges, locomotives, rolling stock, wagons; railway construction; construction consultation; information, consultancy and advisory services for all the aforesaid services;" "Transport of passengers and goods; packaging and storage of goods for transportation; travel arrangement; freight transportation services, passenger transportation services; arranging and organisation of travel; air transport; arranging and booking of travel; booking of tickets for travel; booking of transport; booking of travel services; arranging and organisation of flights; airline services; launching of spacecraft; arranging and organisation of holidays; package holiday and travel agency services; flight arrangement services; providing

information about transport services; launching of satellites for others; luxury holidays; airship travel services; reservation and sale of tickets for flight, transport, space flights; arranging of space travel on behalf of others; space travel and transportation services; space travel passenger transportation services; luggage check-in for space travel; pre-flight security check-in services; international documentation and boarding pass services; consultancy services relating to transportation; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.”

- 101) U.S. Registration No. 5,517,389 for VIRGIN for “Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes; water dispensers; beverage dispensers; multi-beverage dispensers; cartridges for water dispenser; water dispensing machines, installations and units; hot or cold water dispensers; hot water bottles; water coolers; appliances for processing, dispensing, treatment, purification and filtering; cartridges for water appliances; water mixing appliances; automatic appliances for water distribution; water filters; cartridges for water filters; apparatus for water filtering; water filtering installations, machines and units; water purifiers; apparatus for water purification; water purification installations, machines and units; apparatus for water treatment; water treatment installations, machines and units; water conditioning installations, machines and units; water carbonator machines, units, installations and apparatus; filter boxes for water purification; hand held portable water purification apparatus; power filters for water purification; water purification filters; drinking water supply apparatus, installations, machines and units; filters for use with apparatus for water supply; cooling installations for water; parts and fittings for all the aforesaid goods.”

40. True and correct copies of current status and title reports from the USPTO’s Trademark Status and Document Retrieval (“TSDR”) system for the registrations listed above are attached hereto as Exhibit B.

41. Pursuant to 15 U.S.C. § 1057(b), VEL’s federal registrations are prima facie evidence of the validity of its VIRGIN Marks as well as VEL’s ownership and exclusive right to use its VIRGIN Marks in connection with the goods and services identified in the registration certificates. Moreover, several of the federal registrations for the VIRGIN Marks listed above are incontestable under 15 U.S.C. § 1065. VEL’s incontestable

registrations are conclusive evidence of the validity of the mark listed in the registrations, VEL's ownership of the mark, and VEL's exclusive right to use the mark in commerce in connection with the identified goods and services. 15 U.S.C. § 1115(b).

42. In addition to its U.S. trademark registrations for the above-identified VIRGIN Marks, VEL is the owner of the following pending United States trademark applications, which were legally and validly filed with the USPTO:

- 1) U.S. Application Serial No. 86/429,854 for VIRGIN GALACTIC logo for "Aircraft, airplanes, space vehicles, namely, astronautical vehicles, aeronautical vehicles, astronautical vehicles and parts therefor" "Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, travel agency services, namely, making reservations and bookings for transportation, space vehicle transportation services, namely, launching of space vehicles, space travel agency services, namely, booking of transportation into space, and transportation of passengers into space."
- 2) U.S. Application Serial No. 86/429,885 VIRGIN GALACTIC logo for "Aircraft, airplanes, space vehicles, namely, astronautical vehicles, aeronautical vehicles, astronautical vehicles and parts therefor" "Air transportation, freight transportation by air and space vehicles, passenger transportation by space vehicle, air and ground transportation, airport services, travel agency services, namely, making reservations and bookings for transportation, space vehicle transportation services, namely, launching of space vehicles, space travel agency services, namely, booking of transportation into space, and transportation of passengers into space."
- 3) U.S. Application Serial No. 86/821,064 for VIRGIN DISRUPTORS for "Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring programs in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events; pre-recorded CDs, video tapes, laser disks, DVDs and high definition digital discs featuring programs in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events" "Educational and entertainment services, namely, an ongoing television program in the fields of business, entrepreneurship, education, travel and leisure, music, health and wellbeing, innovation, and current events; production and distribution of television programs; editing of television programs."

- 4) U.S. Application Serial No. 87/066,111 for VIRGIN CRUISES for “Transport; packaging and storage of goods; travel arrangement; arranging and organisation of cruises; cruise ship services; arranging and organisation of space travel; launching of spacecraft; package holiday and travel agency services; luxury holidays; arranging and organisation of transport of passengers by train; hot air balloon travel; airship travel; taxi services; motorcycle taxi services; limousines services; reservation and sale of tickets for holidays, cruises, flight, transport, balloon flights, space flights, taxi services, motorcycles services and limousine rides; charitable donations in-kind, namely, distribution of products and services donated as gifts by third parties; travel, excursion and cruise arrangement; organization of holidays; organization of luxury holidays; holiday travel reservation services; reservation and sale of tickets for holidays, cruises, flight, transport, balloon flights, space flights, taxi services, motorcycles services and limousine rides; organisation of holiday travel; arranging of holiday transport; package holiday services for arranging travel; travel agency services for arranging holiday travel; transport services; airline services; airline bookings; airline transport; airline ticket services; airline transportation services; airline ticket reservation services; scheduled passenger airline services; airline check-in services; airline and shipping services; reservation services for airline travel; booking agency services for airline travel; provision of information relating to airline arrivals; arranging the emergency replacement of airline tickets; provision of information relating to airline departures; provision of information relating to airline scheduling; arranging airline tickets, cruise tickets and train tickets; passenger transport; airline transport; air transport; transportation information; arrangement of transport; transportation of passengers; arranging transportation of passengers by road, rail, air and sea; provision of data relating to the transportation of passengers; provision of information relating to the transportation of passengers; cruise ship transport services, featuring the provision of magnetically encoded and bar coded cards to guests on the applicant's cruise ships for personal identification, room access, and conducting financial transactions; information, advisory and consultancy services in relation to the aforesaid services; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network” “Education; provision of training; entertainment, sporting and cultural activities; production, presentation, syndication, reviewing, editing, networking and rental of material with a visual and/or audio element, including television and radio programmes, films, sound and video recordings, interactive entertainment, CDIs, CD-Roms, computer games, live shows, stage plays, exhibitions and concerts; production, presentation, syndication, reviewing, editing, networking and rental of digital media content; electronic games services provided by means of the Internet or any other communications network; publication services; information relating to education or entertainment,

provided on line from a computer database or the Internet or by means of television or radio programmes; providing on-line electronic publications (not downloadable); publishing of books and other printed matter; publication of electronic books and journals on-line; provision of news information; providing digital music from the Internet (not downloadable); music festival services; organising music festivals; organising of sporting, leisure and entertainment events; organising of sporting, leisure and entertainment events relating to charitable fund raising and promotion; educational services relating to environmental conservation and conservations of energy; organisation, conduct and supervision of competitions and lotteries and prize draws; reservation and sale of tickets for shows, cinema, concerts, theatre, festival and sports events; health and fitness club services; exercise and fitness classes; gym club services; provision of swimming pool facilities; wellness services; personal trainer services; cruise ship entertainment services; cruise ship entertainment services, namely, casino services, organizing and conducting stage shows, nightclub shows, contests, dances and parties; toddlers' entertainment program provided aboard a cruise ship, namely, reading stories, puppet shows, skits and group theatrical activities; holiday camp services; cinema facilities; education services relating to travel and tourism, media and telecoms, music and entertainment, finance and money, health and wellbeing, leisure and lifestyle, social and environment issues; vehicle maintenance instruction; vehicle driving instruction; providing training in motor vehicle driving; training services relating to the repair of vehicles; instructional services relating to the maintenance of vehicles; instructional services relating to the repair of vehicles; airplane flight instruction; information, advisory and consultancy services in relation to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet” “Services for providing food and drink; temporary accommodation; food preparation; food and drink catering; serving food and drinks; preparation of food and drink; rental of food service apparatus; services for providing food and drink; catering for the provision of food and beverages; provision of information relating to the preparation of food and drink; bars; wine bars; bar services; restaurants; snack bar services; resort services; hotel services; the provision of hotel concierge services; services relating to hotel reservations and the reservation of temporary accommodation; information, advisory and consultancy services in relation to the aforesaid services.”

- 5) U.S. Application Serial No. 87/166,896 for VIRGIN CONNECT for “Providing temporary use of online, non-downloadable software for use in personalized interactive television programming; providing temporary use of online, non-downloadable software for use in accessing, viewing and controlling streaming and static audio-visual content over digital media streaming devices; technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems.”

- 6) U.S. Application Serial No. 87/303,995 for VIRGIN ORBIT for “Satellite navigational apparatus, namely, a satellite-aided navigation system; satellites for scientific purposes to be sent into orbit; astronomical spectrographs; electric automatic solar tracking sensors; cables for electrical and optical signal transmission systems; astrometric measuring apparatus and instruments, namely, solar tracking sensors for satellites; satellite navigation devices, namely, satellite-aided navigation systems, satellite navigational system, namely, a global positioning system (GPS); signal processors; signal transmission apparatus for transmission of communication; parts and fittings of all of the aforesaid, namely solar panels, sensors, receivers, decoders, and cameras.” “Aeroplanes; air vehicles, namely, space vehicles; aircraft; automobiles; space vehicles for launching into orbit; aeronautical vehicles, namely, rockets and space vehicles; astronautical vehicles, namely, rockets and space vehicles; commercial space lines, namely, rockets, spacecraft; space vehicles, namely, rockets; spacecraft launch vehicles for launching into orbit; parts and fittings of all of the aforesaid, namely solar panels, sensors, receivers, decoders, and cameras.” “Telecommunication, namely, satellite transmission for navigation by air and space; aeronautical telecommunication services; data transfer by telecommunications for navigation by air and space; providing telecommunications connections to a global communication network or databases; transmission of digital information via digital networks for navigation by air and space; satellite transmission of encrypted communications; transmission of emergency signals; satellite transmission of data for navigation by air and space; satellite transmission of messages for navigation by air and space; satellite transmission of messages and data for navigation by air and space; satellite transmission of signals; satellite transmission of sounds, images, signals and data for navigation by air and space; secure electronic mail services, namely, providing electronic transmission of secure e-mail; information and advisory services in relation to the aforesaid services provided over a telecommunications network, namely in connection with the provision of satellite launch services and none of the foregoing services relating to television or radio broadcasting or broadband internet access via satellite.” “Air transport; coordinating space travel arrangements for launching of satellites and rockets; air and ground freight transportation services; launching of spacecraft, namely satellites and rockets, into orbit for others; providing information about transport services for launching of space vehicles, namely satellites and rockets; launching of satellites for others into orbit; airship travel, namely, launching of satellites and rockets; space travel and transportation services; information and advisory services relating to the aforesaid in the field of space travel; information and advisory services relating to the aforesaid services in the field of space travel provided on-line from a computer database or the Internet in the field of space travel; information and advisory services in relation to the aforesaid services in the field of space travel provided over a telecommunications network.”

- 7) U.S. Application Serial No. 87/527,295 for VIRGIN ORBIT Logo in Color with Black Background for "Satellite navigational apparatus, namely, a satellite-aided navigation system; satellites for scientific purposes to be sent into orbit; astronomical spectrographs; electric automatic solar tracking sensors; cables for electrical and optical signal transmission systems; satellite telephones; satellite transmitters; satellite receivers; astrometric measuring apparatus and instruments, namely, electronic sensors for satellites for use in tracking the sun; satellite processors; satellite navigation devices, namely, satellite-aided navigation systems, satellite navigational system, namely, a global positioning system (GPS); scientific apparatus and instruments, namely, satellite broadcast receivers and decoders; signal processors; parts for all of the aforesaid." "Aeroplanes; air vehicles, namely, space vehicles; aircraft; automobiles; space vehicles for launching into orbit; aeronautical vehicles, namely, rockets; astronautical vehicles, namely, rockets; commercial space lines, namely, rockets, spacecraft; space vehicles, namely, rockets; spacecraft launch vehicles for launching into orbit; structural parts for all of the aforesaid." "Aeronautical telecommunication services; providing telecommunications connections to a global communication network or databases; electronic transmission of satellite communications featuring encryption; transmission of emergency signals; satellite transmission of data for navigation by air and space; satellite transmission of messages for navigation by air and space; satellite transmission of messages and data for navigation by air and space; satellite transmission of signals; satellite transmission of sounds, images, signals and data for navigation by air and space; secure electronic mail services, namely, providing electronic transmission of secure e-mail." "Air transport; air and ground freight transportation services; launching of spacecraft, namely, satellites and rockets, into orbit for others; launching of satellites for others into orbit; transport of passengers and goods by space travel; space travel passenger transportation services; luggage check in for space travel."
- 8) U.S. Application Serial No. 87/527,306 for VIRGIN ORBIT Logo in Color with White Background for "Satellite navigational apparatus, namely, a satellite-aided navigation system; satellites for scientific purposes to be sent into orbit; astronomical spectrographs; electric automatic solar tracking sensors; cables for electrical and optical signal transmission systems; satellite telephones; satellite transmitters; satellite receivers; astrometric measuring apparatus and instruments, namely, electronic sensors for satellites for use in tracking the sun; satellite processors; satellite navigation devices, namely, satellite-aided navigation systems, satellite navigational system, namely, a global positioning system (GPS); scientific apparatus and instruments, namely, satellite broadcast receivers and decoders; signal processors; parts for all of the aforesaid." "Aeroplanes; air vehicles, namely, space vehicles; aircraft; automobiles; space vehicles for launching into orbit; aeronautical vehicles, namely, rockets; astronautical vehicles, namely, rockets; commercial space lines, namely, rockets, spacecraft;

space vehicles, namely, rockets; spacecraft launch vehicles for launching into orbit; structural parts for all of the aforesaid.” “Aeronautical telecommunication services; providing telecommunications connections to a global communication network or databases; electronic transmission of satellite communications featuring encryption; transmission of emergency signals; satellite transmission of data for navigation by air and space; satellite transmission of messages for navigation by air and space; satellite transmission of messages and data for navigation by air and space; satellite transmission of signals; satellite transmission of sounds, images, signals and data for navigation by air and space; secure electronic mail services, namely, providing electronic transmission of secure e-mail.” “Air transport; air and ground freight transportation services; launching of spacecraft, namely, satellites and rockets, into orbit for others; launching of satellites for others into orbit; transport of passengers and goods by space travel; space travel passenger transportation services; luggage check in for space travel.”

- 9) U. S. Application Serial No. 87/620,716 for VIRGIN for “Plastic and fabric table covers, bed spreads, bed sheets, comforters, duvets, duvet covers, bed blankets, throws; towels; bath linen; fabric for upholstery; linen and cloth table napkins and textile place mats; curtains; textile wall hangings and unfitted fabric furniture covers.” “Retail store services featuring a wide variety of consumer goods for others; real estate marketing services; advertising of residential real estate; homeowner association services, namely, promoting the interests of homeowners in a specific community; advertising and promotional services in the field of real estate leasing, sales, lettings, renting, management, construction, maintenance, repair and development; administration of a customer loyalty program which provides special guest services, amenities and awards for members; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes.” “Leasing of real estate; leasing of apartments; selling of real estate for others; real estate community management services; real estate services, namely, rental of short-term furnished apartments; real estate services, namely, rental property management; real estate services, namely, property management services for condominium associations, homeowner associations and apartment buildings; real estate management of independent living communities; real estate services, namely, real estate leasing and real estate brokerage, all relating to apartments, flats, condominiums, time-share and properties; real estate services, namely, listing, leasing, and brokerage of independent living residences and residential units; real estate services, namely, management, financing, brokerage, and leasing of residential properties; real estate services, namely, providing memberships and management of private residence clubs; real estate management services, namely, management of hotels, apart-hotels, residential apartments, residential accommodation, student accommodation, hospitality accommodation.” “Real estate property cleaning, repair and maintenance services;

maintenance and repair of buildings and systems.” “Provision of utilities being water, electricity, gas, and energy for residential use; arranging for the provision of utility services for independent living residences and living facilities; utility services, namely, providing water, electricity, gas, and energy for residential use.” “Providing educational and entertainment information about local attractions and points of interest, and distribution of materials in connection therewith; providing facilities, instruction, classes and rental of equipment in the fields of swimming pools, recreational activities, bicycling, water sports, tennis, horseback riding, skiing, and beach access; golf club, golf course and golf instruction services; arranging for tickets and reservations for shows and other entertainment events.” “Interior design services including space planning, furniture selection, material and surface selection; consultancy and planning services related to interior and exterior decor of independent living residences and living facilities; consultancy and planning services related to interior design, namely, the visual appearance and display of independent living residences and living facilities; furniture design services, namely, styling of furniture for independent living residences and living facilities.” “Providing independent living residences and living facilities; bar services; bars, namely, coffee bars; wine bars; snack bar services; restaurant services; restaurants; catering, bar and cocktail lounge services; services for providing food and drink; food preparation; food and drink catering; serving food and drinks; preparation of food and drink; rental of food service apparatus; catering for the provision of food and beverages; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; private residence club services, namely, provision to club members of temporary accommodations in company owned or leased private residences.” “Spa services, namely, providing facial, hair, skin and body treatments, manicure and pedicure services, massage services, body waxing services and beauty salon services.”

- 10) U.S. Application Serial No. 87/620,721 for VIRGIN Logo for “Plastic and fabric table covers, bed spreads, bed sheets, comforters, duvets, duvet covers, bed blankets, throws; towels; bath linen; fabric for upholstery; linen and cloth table napkins and textile place mats; curtains; textile wall hangings and unfitted fabric furniture covers.” “Retail store services featuring a wide variety of consumer goods for others; real estate marketing services; advertising of residential real estate; homeowner association services, namely, promoting the interests of homeowners in a specific community; advertising and promotional services in the field of real estate leasing, sales, lettings, renting, management, construction, maintenance, repair and development; administration of a customer loyalty program which provides special guest services, amenities and awards for members; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes.” “Leasing of real estate; leasing of apartments; selling of real estate for others; real estate community management

services; real estate services, namely, rental of short-term furnished apartments; real estate services, namely, rental property management; real estate services, namely, property management services for condominium associations, homeowner associations and apartment buildings; real estate management of independent living communities; real estate services, namely, real estate leasing and real estate brokerage, all relating to apartments, flats, condominiums, time-share and properties; real estate services, namely, listing, leasing, and brokerage of independent living residences and residential units; real estate services, namely, management, financing, brokerage, and leasing of residential properties; real estate services, namely, providing memberships and management of private residence clubs; real estate management services, namely, management of hotels, apart-hotels, residential apartments, residential accommodation, student accommodation, hospitality accommodation.” “Real estate property cleaning, repair and maintenance services; maintenance and repair of buildings and systems.” “Provision of utilities being water, electricity, gas, and energy for residential use; arranging for the provision of utility services for independent living residences and living facilities; utility services, namely, providing water, electricity, gas, and energy for residential use.” “Providing educational and entertainment information about local attractions and points of interest, and distribution of materials in connection therewith; providing facilities, instruction, classes and rental of equipment in the fields of swimming pools, recreational activities, bicycling, water sports, tennis, horseback riding, skiing, and beach access; golf club, golf course and golf instruction services; arranging for tickets and reservations for shows and other entertainment events.” “Interior design services including space planning, furniture selection, material and surface selection; consultancy and planning services related to interior and exterior decor of independent living residences and living facilities; consultancy and planning services related to interior design, namely, the visual appearance and display of independent living residences and living facilities; furniture design services, namely, styling of furniture for independent living residences and living facilities.” “Providing independent living residences and living facilities; bar services; bars, namely, coffee bars; wine bars; snack bar services; restaurant services; restaurants; catering, bar and cocktail lounge services; services for providing food and drink; food preparation; food and drink catering; serving food and drinks; preparation of food and drink; rental of food service apparatus; catering for the provision of food and beverages; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; private residence club services, namely, provision to club members of temporary accommodations in company owned or leased private residences.” “Spa services, namely, providing facial, hair, skin and body treatments, manicure and pedicure services, massage services, body waxing services and beauty salon services.”

- 11) U.S. Application Serial No. 87/620,781 for VIRGIN LIVING for “Retail store services featuring a wide variety of consumer goods for others; real estate marketing services; advertising of residential real estate; homeowner association services, namely, promoting the interests of homeowners in a specific community; advertising and promotional services in the field of real estate leasing, sales, lettings, renting, management, construction, maintenance, repair and development; administration of a customer loyalty program which provides special guest services, amenities and awards for members; customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes.” “Leasing of real estate; leasing of apartments; selling of real estate for others; real estate community management services; real estate services, namely, rental of short-term furnished apartments; real estate services, namely, rental property management; real estate services, namely, property management services for condominium associations, homeowner associations and apartment buildings; real estate management of independent living communities; real estate services, namely, real estate leasing and real estate brokerage, all relating to apartments, flats, condominiums, time-share and properties; real estate services, namely, listing, leasing, and brokerage of independent living residences and residential units; real estate services, namely, management, financing, brokerage, and leasing of residential properties; real estate services, namely, providing memberships and management of private residence clubs; real estate management services, namely, management of hotels, apart-hotels, residential apartments, residential accommodation, student accommodation, hospitality accommodation.” “Real estate property cleaning, repair and maintenance services; maintenance and repair of buildings and systems.” “Provision of utilities being water, electricity, gas, and energy for residential use; arranging for the provision of utility services for independent living residences and living facilities; utility services, namely, providing water, electricity, gas, and energy for residential use.” “Health and fitness club services, namely, providing instruction and equipment in the field of physical exercise; providing exercise and fitness classes; gym club services, namely, providing fitness and exercise facilities; organizing community sporting and cultural activities; providing facilities for sporting and cultural activities and events; arranging, organizing, conducting and hosting entertainment, sporting, leisure and cultural activities; entertainment, sporting and cultural activities, namely organizing community sport and cultural events; providing educational and entertainment information about local attractions and points of interest, and distribution of materials in connection therewith; providing facilities, instruction, classes and rental of equipment in the fields of swimming pools, recreational activities, bicycling, water sports, tennis, horseback riding, skiing, and beach access; golf club, golf course and golf instruction services; arranging for tickets and reservations for shows and other entertainment events.” “Interior design services including space planning, furniture selection, material and surface selection; consultancy

and planning services related to interior and exterior decor of independent living residences and living facilities; consultancy and planning services related to interior design, namely, the visual appearance and display of independent living residences and living facilities; furniture design services, namely, styling of furniture for independent living residences and living facilities.” “ Providing independent living residences and living facilities; bar services; bars, namely, coffee bars; wine bars; snack bar services; restaurant services; restaurants; catering, bar and cocktail lounge services; services for providing food and drink; food preparation; food and drink catering; serving food and drinks; preparation of food and drink; rental of food service apparatus; catering for the provision of food and beverages; provision of general-purpose facilities for meetings, conferences and exhibitions; provision of banquet and social function facilities for special occasions; private residence club services, namely, provision to club members of temporary accommodations in company owned or leased private residences.” “Spa services, namely, providing facial, hair, skin and body treatments, manicure and pedicure services, massage services, body waxing services and beauty salon services.”

- 12) U.S. Application Serial No. 87/624,061 for VIRGIN HYPERSPEED for “Vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes; railway cars; rail vehicles; railway carriages; railway passenger carriages; axles for vehicles; bodies for railway cars; bogies for railway cars; brakes for land vehicles; doors for railway cars; electric locomotives; electric railway cars; fitted hatch covers for railway cars to prevent entry of water and moisture; flanges for railway wheel tires; freight trains; funicular railcars; locomotives; electric passenger trains; passenger trains; electric freight trains; railway bogies; railcars; railway couplings; railway freight cars; railway handcars; railway passenger cars; seats for railway cars; structural parts for trains; suspension arms for trolley railways; tipping apparatus for use with railway freight cars; undercarriages for railway cars; parts and fittings for all the aforesaid goods.” “Advertising services; business management; business administration services; providing office functions; marketing services; providing business marketing information; marketing advisory services; business marketing services; advertising and publicity services; internet advertising services; on-line retail store services in the field of travel and transportation; retail store services offered by travel and transport providers in the field of travel featuring ticket machines, ticket holders, wallets and organizers for tickets, cards and travel documents; mail order and electronic shopping retail store services in the field of travel featuring ticket machines, ticket holders, wallets and organizers for tickets, cards and travel documents; loyalty card services, namely, providing incentive award programs for customers and employees through the distribution of loyalty rewards cards for the purposes of promoting and rewarding loyalty; organization, operation and management of loyalty and incentive schemes in the nature of award programs for customers and employees through the distribution of loyalty

rewards cards; business management in the field of transport and delivery; business management services all relating to transport and infrastructure projects; business consultancy in the field of transport and delivery; data processing services in the field of transportation; provision of commercial information in the field of transportation; business consultancy services in the field of vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes, railway cars, rail vehicles, railway carriages, railway passenger carriages, axles for vehicles, bodies for railway cars, bogies for railway cars, brakes for land vehicles, doors for railway cars, electric locomotives, electric railway cars, fitted hatch covers for railway cars to prevent entry of water and moisture, flanges for railway wheel tires, freight trains, funicular railcars, locomotives, trains, passenger trains, electric trains, railway bogies, railcars, railway couplings, railway freight cars, railway handcars, railway passenger cars, seats for railway cars, structural parts for trains, suspension arms for telpher railways, tipping apparatus for use with railway freight cars, undercarriages for railway cars; business consultancy and advisory services, namely, planning, design, and development in the fields of rail transportation and railways; information, consultancy and advisory services for all the aforesaid services.” “Building construction and repair; installation services, namely, installation and maintenance of transportation equipment and systems; advisory services relating to the installation of security and safety equipment; construction of buildings; construction of pipelines; construction services, namely, planning, laying out, and construction of custom vehicles; construction consultancy; building construction information; pipeline construction information; vehicle construction information; providing consultancy and information services in the field of construction; construction advisory services; construction management; consultancy, information and advisory services relating to the construction of public works; construction project management services; rental of construction equipment; construction of civil engineering works; installation and maintenance of transmission and broadcasting equipment, apparatus and instruments; installation, maintenance and repair of railroad tracks; repair and installation services relating to railway cars, railway engines, railway vehicles, bogies for railway cars, brakes for vehicles, buffers for railway rolling stock, railway carriages, railway couplings, flanges, locomotives, rolling stock, wagons; railway construction; construction consultation; information, consultancy and advisory services for all the aforesaid services.” “Transport of passengers and goods by air, boat, rail and bus; packaging and storage of goods for transportation; coordinating and organizing travel arrangements for individuals and groups; freighting services, passenger transportation services; air transport; arranging and booking of tickets for travel; booking of transport; arranging and organizing of flights; airline transportation services; launching of spacecraft for others; travel agency services, namely, making reservations and bookings for transportation and temporary lodging; flight planning services; providing information about transport services;

launching of satellites for others; airship transportation services; making reservations and bookings for flights, transportation, and space flights; arranging of space travel on behalf of others; space transportation services; space travel passenger transportation services; luggage check-in for space travel; arranging for international travel documentation and boarding passes for persons traveling domestic and abroad; consultancy services relating to transportation; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.” “ Entertainment services via an online network and via an onboard in-transit entertainment system, namely, providing movies, television programs, audio programs, and electronic games; Education services, namely, providing classes, lectures, seminars, and workshops in the fields of transportation, travel, tourism, technology, innovation, entrepreneurship, and hospitality; Information and advisory services relating to the aforesaid.”

- 13) U.S. Application Serial No. 87/641,469 for VIRGIN for “Vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes; railway cars; rail vehicles; railway carriages; railway passenger carriages; axles for vehicles; bodies for railway cars; bogies for railway cars; brakes for land vehicles; doors for railway cars; electric locomotives; electric railway cars; fitted hatch covers for railway cars to prevent entry of water and moisture; flanges for railway wheel tires; freight trains; funicular railcars; locomotives; electric passenger trains; passenger trains; electric freight trains; railway bogies; railcars; railway couplings; railway freight cars; railway handcars; railway passenger cars; seats for railway cars; structural parts for trains; suspension arms for telfer railways; tipping apparatus for use with railway freight cars; undercarriages for railway cars; parts and fittings for all the aforesaid goods.” “Advertising services; business management; business administration services; providing office functions; marketing services; providing business marketing information; marketing advisory services; business marketing services; advertising and publicity services; internet advertising services; on-line retail store services in the field of travel and transportation; retail store services offered by travel and transport providers in the field of travel featuring ticket machines, ticket holders, wallets and organizers for tickets, cards and travel documents; mail order and electronic shopping retail store services in the field of travel featuring ticket machines, ticket holders, wallets and organizers for tickets, cards and travel documents; loyalty card services, namely, providing incentive award programs for customers and employees through the distribution of loyalty rewards cards for the purposes of promoting and rewarding loyalty; organization, operation and management of loyalty and incentive schemes in the nature of award programs for customers and employees through the distribution of loyalty rewards cards; business management in the field of transport and delivery; business management

services all relating to transport and infrastructure projects; business consultancy in the field of transport and delivery; data processing services in the field of transportation; provision of commercial information in the field of transportation; business consultancy services in the field of vehicles, namely, apparatus for locomotion by land, air or water through a series of sealed tubes, railway cars, rail vehicles, railway carriages, railway passenger carriages, axles for vehicles, bodies for railway cars, bogies for railway cars, brakes for land vehicles, doors for railway cars, electric locomotives, electric railway cars, fitted hatch covers for railway cars to prevent entry of water and moisture, flanges for railway wheel tires, freight trains, funicular railcars, locomotives, trains, passenger trains, electric trains, railway bogies, railcars, railway couplings, railway freight cars, railway handcars, railway passenger cars, seats for railway cars, structural parts for trains, suspension arms for trolley railways, tipping apparatus for use with railway freight cars, undercarriages for railway cars; business consultancy and advisory services, namely, planning, design, and development in the fields of rail transportation and railways; information, consultancy and advisory services for all the aforesaid services.” “Building construction and repair; installation services, namely, installation and maintenance of transportation equipment and systems; advisory services relating to the installation of security and safety equipment; construction of buildings; construction of pipelines; construction consultancy; building construction information; pipeline construction information; providing consultancy and information services in the field of construction; construction advisory services; construction management; consultancy, information and advisory services relating to the construction of public works; construction project management services; rental of construction equipment; construction of civil engineering works; installation and maintenance of transmission and broadcasting equipment, apparatus and instruments; installation, maintenance and repair of railroad tracks; repair and installation services relating to railway cars, railway engines, railway vehicles, bogies for railway cars, brakes for vehicles, buffers for railway rolling stock, railway carriages, railway couplings, flanges, locomotives, rolling stock, wagons; railway construction; construction consultation; information, consultancy and advisory services for all the aforesaid services.” “Transport of passengers and goods by air, boat, rail and bus; packaging and storage of goods for transportation; coordinating and organizing travel arrangements for individuals and groups; freighting services, passenger transportation services; air transport; arranging and booking of tickets for travel; booking of transport; arranging and organizing of flights; airline transportation services; launching of spacecraft for others; travel agency services, namely, making reservations and bookings for transportation and temporary lodging; flight planning services; providing information about transport services; launching of satellites for others; airship transportation services; making reservations and bookings for flights, transportation, and space flights; arranging of space travel on behalf

of others; space transportation services; space travel passenger transportation services; luggage check-in for space travel; arranging for international travel documentation and boarding passes for persons traveling domestic and abroad; consultancy services relating to transportation; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network.” “Custom building services in the nature of planning, laying out, and manufacture of custom vehicles; vehicle building information to the order and specification of others.”

- 14) U.S. Application Ser. No. 87/692,731 for VIRGIN INVESTMENTS for “Capital investment services; providing venture capital, development capital, private equity and investment funding; venture capital financing; financial advisory and consultancy services in the fields of venture capital, development capital, private equity and investment funding; venture capital services namely, providing financing to entrepreneurs, start-ups, existing businesses and non-profits.”
- 15) U.S. Application Serial No. 88/031,268 for MY VIRGIN for “Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound and images; magnetic data carriers; disc recorders; compact discs, DVDs and other digital recording media featuring a wide variety of entertainment media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and apparatus; computers; computer software; fire-extinguishing apparatus; computer hardware; platform as a service (PAAS) featuring computer software platforms; downloadable computer software from the internet; computer application software; downloadable computer application software from the internet; virtual reality software; virtual reality games software; virtual reality headsets; virtual reality software for use in classrooms; telecommunications apparatus; mobile telecommunication apparatus; Personal Digital Assistants (PDA), handheld personal computers; mobile telephones; laptop computers; telecommunications and data network equipment and hardware; drivers and operating software for telecommunications networks and for telecommunications apparatus; covers for mobile telephones; cases for mobile telephones; electronic downloadable publications; apparatus for recording, transmission or reproduction of sound or images; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding and decoding of radio and television programmes, and other audio, video and image data; apparatus for use in broadcasting, transmission, receiving, processing, reproducing, encoding and decoding of

digital media content; satellites; recording disks; videos; CD-ROM drives; minidisks; CD-Is; audio, video and audio-visual recordings; cinematographical films; computer games software; electronic downloadable publications; computer software, telecommunications, and computer hardware to enable connection to databases and the Internet; digital music downloadable from the Internet; digital music downloadable from MP3 Internet websites; magnetically encoded cards for carrying data, namely, multifunction cards for financial services, charge cards, cash cards, bank cards, cheque cards, credit cards, debit cards, and ; encoded smart cards; computer hardware and software for the provision of banking services, financial services, bank account management services, monetary transfer services, payment services, of financial analysis and financial reports, financial management services, managing charitable organisations and information services relating to banking and finance; database enabling registered charities to process donations and claim gift aid; parts and fittings for all the aforesaid goods,” “Paper and cardboard goods; printed matter; bookbinding material; photographs (printed); stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites; printed instructional and teaching material; plastic materials for use in packaging; printers' type, printing blocks; plastic cards; printed publications in the field of insurance, financial affairs, monetary affairs, real estate affairs, advertising and business management and administration, advertising, business management, business administration, office functions, transport, packaging and storage of goods, travel arrangement, education, providing of training, entertainment, sporting and cultural activities, services for providing food and drink, temporary accommodation, travel and tourism, media, telecoms, music and entertainment, finance and money, health and wellbeing, leisure and lifestyle, social and environmental issues; fiction and nonfiction books, comics, journals, albums, newspapers, magazines, and posters; calendars; printed guides, brochures, timetables, and pricelists; in-flight magazines; printed promotional leaflets and advertisements; paper carrier bags; paper bags; printed programmes; paper instructional and teaching material; writing instruments; pens; pencils; crayons; erasers; rulers; pencil sharpeners; pencil boxes and cases; pencil holders; photograph albums; ring binders; folders; notebooks; notepads; diaries; postcards; drawings (graphic); stickers; decalcomanias; stencils; parts and fittings for all the aforesaid goods,” “Telecommunications and telecommunications services; mobile telecommunications services; telecommunications portal services; providing Internet portal services; mobile telecommunications network services; WiMax Network services; fixed line telecommunication services; mobile virtual network operator; provision of broadband telecommunications access; wireless broadband services; broadcasting services; television broadcasting services; radio broadcasting services; broadcasting services relating to Internet protocol TV; provision of access to the Internet protocol TV; providing internet access; broadcast

communication services, namely, email and text messaging services; services of a network provider, namely, rental and handling of access time to data networks and databases, in particular the Internet; communications services, namely, for accessing a database, leasing of access time to a computer database, providing access to computer databases, rental of access time to a computer database; telecommunication services for providing operation of a network; transmission of information, computer programs, digital media content and any other audio, video or image data via telecommunications; computer aided transmission of messages, audio, video and image data; electronic communication services; broadcasting of television, cable television, satellite television and subscription television; broadcasting and retrieval of video text and television screen based information and broadcasting and retrieval services; news agency services; text messaging services; sms services; broadcasting and streaming of audio; providing chat rooms; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; information and advisory services in relation to the aforesaid services provided over a telecommunications network,” “Education services; providing of training; business education and training services; business education and business training consultancy services; entertainment services; entertainment booking services; sporting and cultural activities; production, presentation, syndication, reviewing, editing, networking and rental of material with a visual and/or audio element, including television and radio programmes, films, sound and video recordings, interactive entertainment, CDIs, CD-Roms, computer games, live shows, stage plays, exhibitions and concerts; educational services, namely, conducting of business conferences and seminars; production, presentation, syndication, reviewing, editing, networking and rental of digital media content; electronic games services provided by means of the Internet or any other communications network; education; entertainment services; organizing sporting and cultural activities; publishing services; providing information relating to education or entertainment, provided on line from a computer database or the Internet or by means of television or radio programmes; providing on-line electronic publications (not downloadable); publishing of electronic books and journals on-line; entertainment services, namely, provision of news information; entertainment services, namely, providing digital music from the Internet (not downloadable); entertainment services in the nature of music festivals; organizing music festivals; organizing of sporting, leisure and entertainment events; organizing of sporting, leisure and entertainment events relating to charitable fund raising and promotion; educational services relating to environmental conservation and conservations of energy; organizing, conduct and supervision of competitions and lotteries and prize draws; health and fitness club services; providing exercise and fitness classes; gym club services; providing swimming pool facilities; wellness services; personal trainer services;

entertainment services for cruise ships ; holiday camp services; provision of cinema facilities; education services relating to travel and tourism, media and telecoms, music and entertainment, finance and money, health and wellbeing, leisure and lifestyle, social and environment issues; information and advisory services relating to the aforesaid; information and advisory services relating to the aforesaid services provided on-line from a computer database or the Internet; publishing of books and other printed matter; information and advisory services in relation to the aforesaid services provided over a telecommunications network.”

43. True and correct copies from the USPTO showing details of these applications are attached hereto as Exhibit C.

44. Defendants had constructive notice of VEL’s ownership of federally-registered rights to the VIRGIN Marks under 15 U.S.C. § 1072, at least as early as September 1974.

45. In addition, VEL has a significant presence on the Internet, owning over 4,500 Internet domain names incorporating its VIRGIN Mark. The primary domain name, www.virgin.com, has been registered since September 10, 1997 and serves as a disbursement point for information on the various VIRGIN-branded businesses, goods, and services. VEL’s use of the VIRGIN Marks on the Internet and in its domain names reinforces the importance of the VIRGIN brand to VEL and strengthens the public’s recognition of VIRGIN by the consuming public.

46. VEL uses its VIRGIN Marks in advertising and marketing materials on a nationwide and worldwide basis through various media, including but not limited to, newspapers, direct mail, websites, and trade magazines. VEL has invested a substantial amount of time and money in advertising and promoting its goods and services under the VIRGIN Marks, spending millions of dollars in marketing efforts to promote the VIRGIN brand in the United States. This investment has translated into VIRGIN being a famous brand.

47. As a result of the substantial use of the VIRGIN Marks and extensive advertising and promotion of goods and services under VEL's VIRGIN Marks, and through favorable consumer acceptance and recognition, the VIRGIN Marks are exceedingly strong and the consuming public and the trade widely recognize the VIRGIN Marks as identifying VEL as the source of the premier goods and services offered in connection with VEL's VIRGIN Marks. The VIRGIN Marks symbolize an exceptional level of quality, reliability, and trustworthiness.

48. Indeed, in 2003, the United States Court of Appeals for the Second Circuit held that VIRGIN is a famous trademark entitled to a broad scope of protection in the United States. *Virgin Enterprises, Ltd. v. Nawab et al.*, 335 F.3d 141,149 (2nd Cir. 2003). Accordingly, VEL's VIRGIN Marks are famous, having become so long prior to the acts complained of herein, and are assets of incalculable value as an identifier of VEL, its premier goods and services, and the goodwill associated therewith.

DEFENDANTS AND THEIR INFRINGING ACTIVITY

49. On information and belief, Defendant Benjamin is an individual who resides in and operates out of the State of New Jersey under the name Virgin Capital Partners, LLC, a fictitious entity that is not registered to do business, providing various financial services, including private mortgage note buying and selling.

50. On July 10, 2016, without authorization, license, or permission from VEL, Defendant Benjamin registered the domain names www.virgincapitalpartners.com and www.virgincapitalpartners.net using Defendant Namecheap's domain registration, hosting and privacy protection services.

51. At an undetermined date thereafter, but not later than November 21, 2016, Defendant Benjamin launched a website at www.virgincapitalpartners.net (the “Virgin Capital Partners Website”) prominently displaying and using the VIRGIN Marks in connection with financial services. Representative printouts from the Virgin Capital Partners Website are attached as Exhibit D.

52. From June 13, 2017 to the filing of this Complaint, VEL has sought, through continued correspondence and negotiations with the Defendants Benjamin and Namecheap, to resolve this matter short of litigation. However, Defendant Benjamin has refused to comply, but instead has attempted to lull VEL into believing he would or did cease the infringing conduct, when he did not, and otherwise refused to engage in meaningful discussions to reach an amicable resolution.

53. Specifically, on June 13, 2017, VEL counsel sent a letter to Defendant Benjamin, the registrant for the two domains. See Exhibit E. At the time, the domain www.virgincapitalpartners.com resolved to the domain www.virgincapitalpartners.net which hosted the Virgin Capital Partners Website.

54. Sometime after the June 13, 2017 letter was sent, Defendant Benjamin temporarily took down the Virgin Capital Partners Website. Although Defendant Benjamin did not respond in writing, VEL believed that by disabling the website Defendant Benjamin was rightfully acknowledging VEL’s prior registered trademark rights and relinquishing any claim to ownership of VIRGIN CAPITAL PARTNERS. On July 10, 2017, the two domain registrations expired.

55. On August 25, 2017, VEL sent a reservation of rights letter notifying the Defendant Benjamin that it was aware that the Virgin Capital Partners Website was no

longer active and that the domain registrations had expired. VEL reserved all rights if the Defendant Benjamin resumed use of the VIRGIN mark. See Exhibit F.

56. Thereafter, VEL acquired the domain www.virgincapitalpartners.net to prevent Defendant Benjamin or other third parties from infringing VEL's trademark. However, through a processing error, VEL was unable to acquire the domain www.virgincapitalpartners.com.

57. Then, some time between August 25, 2017 and December 19, 2017, Defendant Benjamin, or an individual or entity affiliated with him, reacquired www.virgincapitalpartners.com using Defendant Namecheap's domain registration and hosting services, used Defendant Namecheap's WhoisGuard privacy protection service to conceal their identity, and re-published the Virgin Capital Partners Website at that domain with full knowledge and awareness of VEL's claims of infringement and in blatant disregard and willful violation of VEL's trademark rights

58. On December 19, 2017, VEL sent another letter to Defendant Benjamin notifying him that VEL was aware of and remained concerned by his blatant and willful infringement of VEL's VIRGIN Marks. See Exhibit G.

59. Counsel for VEL followed up with Defendant Benjamin by email and letter on January 18 and January 29, 2018, and left voicemail messages on January 19, 22 and 29.

60. On February 23, 2018, after a few more attempts to reach him, Defendant Benjamin finally called VEL's counsel. On the telephone, Defendant Benjamin conveyed that he was clearly aware of the Virgin Group and had been following Sir Richard Branson on LinkedIn for some time, but nonetheless refused to re-brand or disable the Virgin

Capital Partners Website unless VEL agreed to compensate him. Counsel for VEL conveyed that VEL was not interested in compensating infringers, let alone willful infringers.

61. On March 20, 2018, because the Virgin Capital Partners Website was still active, counsel for VEL sent an email to Defendant Benjamin reinforcing that VEL did not compensate those who infringe its trademarks and again demanding that the Defendant Benjamin stop using VIRGIN and VIRGIN CAPITAL PARTNERS. VEL followed up again by email on April 3, 2018 and letter dated June 4, 2018, but the Defendant Benjamin continued to ignore VEL's attempts to resolve this matter amicably.

62. In late June 2018, Defendant Benjamin told counsel for VEL that he was interested in resolving this dispute, and VEL sent him a settlement agreement. Counsel for VEL then followed up nearly a dozen times over the last three months to discuss the agreement with Defendant Benjamin. Defendant Benjamin has not responded and has still not taken down the Virgin Capital Partners Website.

63. In addition to its correspondence with Defendant Benjamin, VEL sent a cease and desist letter to Defendant Namecheap on January 9, 2018 outlining VEL's extensive rights in and to its VIRGIN Marks, providing notice of Defendant Benjamin's willfully infringing conduct in violation thereof, and asking Defendant Namecheap's assistance to disable the Virgin Capital Partners Website. Since that time, however, Defendant Namecheap has continued to deny that it is hosting the infringing website despite public records, including the attached printout from WhoIsHostingThis.com, showing that Namecheap is the company responsible for hosting the Virgin Capital Partners Website. See Exhibit H.

64. VEL never authorized, licensed, or otherwise permitted Defendants to use the VIRGIN Marks, or any confusingly similar variation thereof, in connection with its services, the Virgin Capital Partners Website or domain name.

THE HARM AND DAMAGES CAUSED BY DEFENDANTS' ACTIONS

65. Defendants' actions were and are willful and intentional acts designed to trade on the reputation and goodwill of VEL. Defendants had constructive notice of VEL's ownership of the VIRGIN Mark dating back to 1974. Moreover, Defendant Benjamin admitted he has known of the Virgin Group for some time, and he was provided actual notice of VEL's trademark rights on June 13, 2017. In addition, Defendant Namecheap was provided actual notice of VEL's trademark rights on January 9, 2018.

66. Notwithstanding, Defendant Benjamin, with the continued assistance and support of Defendant Namecheap, and without authorization, license, permission or consent from VEL, registered, used, and continues to use a domain name and associated website with a descriptive term following VIRGIN, e.g., www.virgincapitalpartners.com, and the name and mark VIRGIN CAPITAL PARTNERS in connection with financial services, more than forty years after VEL first offered products and services under the VIRGIN Marks, and almost twenty years after VEL registered its domain name www.virgin.com. Defendants' unauthorized use of VIRGIN is likely to mislead, deceive and/or confuse the purchasing public and the trade, and result in consumers mistakenly believing that Defendants are connected, associated, or in some way affiliated with VEL, when in fact no such connection, association or affiliation exists.

67. Defendants' continued conduct as complained of herein causes damage and irreparable injury to VEL and to its goodwill and business reputation. As a direct and

proximate result of Defendants' acts, VEL has suffered, and will continue to suffer, irreparable harm, damages, and economic injury.

68. VEL has no adequate remedy at law, and Defendants have proven that unless they are restrained and enjoined by the Court, they will continue to engage in their infringing conduct as described herein, causing damage and irreparable injury to VEL, including damage to its goodwill and business reputation. VEL cannot ascertain the precise amount of its damages at this time.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT
15 U.S.C. § 1114(1)

69. VEL repeats and realleges the allegations of Paragraphs 1 through 68 above as though fully set forth herein.

70. Defendants' unauthorized and infringing use of the VIRGIN Marks, as alleged herein, is likely to cause confusion, mistake, or deception as to the source, sponsorship, or approval of Defendants' goods and services by VEL. The consuming public and the trade are likely to believe that Defendants' goods and services originate with VEL, are licensed, sponsored, or approved by VEL, or are in some way connected with or are related to VEL, when they are not, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

71. Defendants' unauthorized and infringing uses of the VIRGIN Marks, as alleged herein, constitutes intentional and willful infringement of VEL's rights in and to its federally-registered VIRGIN Marks in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

72. Further, Defendant Namecheap has continued to publish the Virgin Capital Partners Website with direct knowledge that it infringes VEL's trademark rights, and is thus, directly liable for willful infringement. Alternatively, Defendant Namecheap is liable as a contributory infringer because it has provided and continues to provide domain registration, hosting, and privacy protection services, enabling, assisting, and furthering Defendant Benjamin's infringing conduct.

73. These infringing acts have occurred in interstate and/or United States commerce and have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

COUNT II
FEDERAL UNFAIR COMPETITION
15 U.S.C. § 1125(a)

74. VEL repeats and realleges the allegations of paragraphs 1 through 73, as though fully set forth herein.

75. Defendants' unauthorized use of the VIRGIN Marks, as alleged herein, constitutes use of a false designation of origin and false or misleading representation in interstate commerce, which wrongly and falsely designates, describes and represents the origin of Defendants' goods and services as originating from or being connected with VEL, and is likely to cause confusion, or to cause mistake, or to deceive as to Defendants' affiliation, connection, or association with VEL, or as to the origin, sponsorship, or approval of Defendants' goods and services by VEL, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

76. These acts have occurred in interstate and/or United States commerce and have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

**COUNT III
FEDERAL TRADEMARK DILUTION
15 U.S.C. § 1125(c)**

77. VEL repeats and realleges the allegations of paragraphs 1 through 76, as though fully set forth herein.

78. As a result of the duration, extent, and geographic reach of VEL's use of the VIRGIN Marks, including in the State of New York and this District, as well as advertising and publicity associated with the VIRGIN Marks, the VIRGIN Marks have achieved an extensive degree of distinctiveness and are famous trademarks. The VIRGIN Marks are widely recognized by the general consuming public as a designation of source for VEL's services. Defendants began using VIRGIN CAPITAL PARTNERS in interstate and/or United States commerce after the VIRGIN Marks became famous and distinctive.

79. Because of the similarity of the marks, Defendants' commercial use of VIRGIN CAPITAL PARTNERS is likely to cause dilution by blurring, by creating a likelihood of association with VEL's famous VIRGIN Marks. Defendants' commercial use is likely to impair the distinctiveness of VEL's famous VIRGIN Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

80. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

COUNT IV
FEDERAL ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT
15 U.S.C. § 1125(d)

81. VEL repeats and realleges the allegations of paragraphs 1 through 80, as though fully set forth herein.

82. As a result of VEL's federal registrations and extensive common law use, VEL is the owner of the VIRGIN Marks.

83. As a result of the duration, extent, and geographic reach of VEL's use of the VIRGIN Marks, including in the State of New York and this District, as well as advertising and publicity associated with the VIRGIN Marks, the VIRGIN Marks have achieved an extensive degree of distinctiveness and are famous trademarks. The VIRGIN Marks are widely recognized by the general consuming public as a designation of source for VEL's services.

84. Defendant Benjamin, or an individual or entity affiliated him, registered and currently owns and uses the domain name www.virgincapitalpartners.com. Prior to the Defendants' registration of virgincapitalpartners.com, VEL's VIRGIN Marks, as well as its registered domain names, including Virgin.com, had become and continue to be famous and distinctive.

85. The virgincapitalpartners.com domain name is confusingly similar to and dilutive of VEL's famous VIRGIN Marks.

86. Defendant Benjamin registered the domain virgincapitalpartners.com after the VIRGIN Marks became famous and distinctive. Moreover, with notice of VEL's rights in and to the VIRGIN Marks, and after the domain registration expired and VEL was unable to acquire the domain due to a processing error, Defendant Benjamin re-registered the domain and offered to sell the infringing domain to VEL during a January 23,

2018 telephone call, demonstrating a clear bad faith intent to profit from VEL's famous VIRGIN Marks, in violation of Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

87. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

COUNT V
NEW YORK DECEPTIVE TRADE PRACTICES
N.Y. Gen. Bus. Law § 349 *et seq.*

88. VEL repeats and realleges the allegations of paragraphs 1 through 87, as though fully set forth herein.

89. Defendants' unauthorized use of the VIRGIN Marks in connection with the advertising, marketing, sale, and provision of consumer-oriented financial services has caused, and is likely to cause in the future, a likelihood of confusion or misunderstanding as to the sponsorship, approval, affiliation, or connection of Defendants' and VEL's businesses, inasmuch as it gives rise to the incorrect belief that Defendant's business has some connection with VEL. The acts or practices of Defendants are confusing and misleading in a material respect.

90. These acts constitute deceptive trade practices in the course of Defendant Benjamin's business, in violation of the New York Deceptive Trade Practices Act, N.Y. Gen. Bus. Law § 349 *et seq.*

91. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

**COUNT VI
NEW YORK TRADEMARK DILUTION
N.Y. Gen. Bus. Law § 360-L**

92. VEL repeats and realleges the allegations of paragraphs 1 through 91, as though fully set forth herein.

93. VEL is the exclusive owner of the VIRGIN Marks.

94. As a result of the duration, extent, and geographic reach of VEL's use of the VIRGIN Marks, including within New York commerce, as well as advertising and publicity associated with the VIRGIN Marks, the VIRGIN Marks have achieved an extensive degree of distinctiveness and are famous trademarks. The VIRGIN Marks are widely recognized by the consuming public as a designation of source for VEL's services.

95. Long after the VIRGIN Marks became famous, Defendants, without authorization from VEL, began using VIRGIN CAPITAL PARTNERS in interstate and/or United States commerce. Defendants' use of the VIRGIN Marks dilutes and/or is likely to dilute, by blurring, the distinctive quality of those marks and to lessen the capacity of such marks to identify and distinguish VEL's services, and has caused a likelihood of harm to VEL's business reputation, in violation of Section 360-L of the New York General Business Law.

96. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

**COUNT VII
TRADEMARK INFRINGEMENT UNDER NEW YORK COMMON LAW**

97. VEL repeats and realleges the allegations of paragraphs 1 through 96, as though fully set forth herein.

98. By the acts described above, Defendant has engaged in trademark infringement in violation of the common law of the State of New York.

99. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

**COUNT VIII
NEW YORK COMMON LAW UNFAIR COMPETITION**

100. VEL repeats and realleges the allegations of paragraphs 1 through 99, as though fully set forth herein.

101. As a result of the actions complained of herein, Defendants have misappropriated valuable property rights of VEL, have passed off their goods and services as those of VEL, are trading on the goodwill symbolized by VEL's trademark rights as alleged herein, and those acts are likely to cause confusion or mistake, or to deceive members of the consuming public and the trade. Said acts constitute unfair competition in violation of the common law of the State of New York.

102. These acts have caused and will continue to cause, unless restrained by this Court, serious and irreparable injury to VEL, for which VEL has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, VEL prays that this Court enter a judgment and order:

1. That Defendants have willfully violated Sections 32(1), 43(a), 43(c), and 43(d) of the Lanham Act;
2. That Defendants committed acts of unfair competition, deceptive business and trade practices, trademark infringement, and trademark dilution in violation of N.Y. Gen. Bus. Law §§ 349 and 360-L, and the New York common law;
3. That Defendants, their officers, directors, agents, servants, employees, affiliates, successors, shareholders, assigns, and attorneys, as well as all those in active concert or participation with them, be preliminarily and permanently enjoined and restrained from:
 - a. Using the VIRGIN Marks, including in the phrase VIRGIN CAPITAL PARTNERS;
 - b. Using any name, mark, or domain name that wholly incorporates the VIRGIN Marks or is confusingly similar thereto, including but not limited to any reproduction, counterfeit, copy, or a colorable imitation of the VIRGIN Marks;
 - c. Registering, transferring, selling, owning, or exercising control over any domain name that incorporates, in whole or in part, the VIRGIN Marks or is confusingly similar to the VIRGIN Marks;
 - d. Doing any other act or thing calculated or likely to induce or cause confusion or the mistaken belief that Defendant(s) is/are in any way affiliated, connected, or associated with VEL or its goods or services;
 - e. Licensing or authorizing others to use VIRGIN CAPITAL PARTNERS, the VIRGIN Marks, or any confusingly similar title, name, or mark;

- f. Injuring VEL's business reputation and the goodwill associated with VEL's VIRGIN Marks, and from otherwise unfairly competing with VEL in any manner whatsoever;
- g. Passing off Defendant Benjamin's goods and services as those of VEL; and,
- h. Committing any acts which will blur, tarnish or dilute, or are likely to blur, tarnish or dilute the distinctive quality of the famous VIRGIN Marks.

4. That, pursuant to 15 U.S.C. §1118, Defendant Benjamin be required to deliver up and destroy all products, labels, signs, packages, wrappers, advertisements, websites, social media sites, promotions, and all other matter in the custody or under the control of Defendant Benjamin that bear the VIRGIN CAPITAL PARTNERS title, name, and mark or the VIRGIN Marks or any other mark that is likely to be confused with the VIRGIN Marks;

5. That Defendants be ordered to transfer ownership of the domain name www.virgincapitalpartners.com, and any other domain name incorporating, in whole or in part the VIRGIN Marks, and owned or under the control of Defendants, and otherwise disable access to the domain prior to any transfer.

6. That, because of Defendants' willful actions and pursuant to 15 U.S.C. § 1117, VEL be awarded monetary relief and damages in an amount to be fixed by the Court in its discretion as just, including:

- a. All profits received by Defendant Benjamin from sales and revenues of any kind made as a result of its actions from the date of actual notice, and (ii) all damages sustained by VEL as a result of Defendants' actions from the date of actual notice, and that such profits and damages be trebled because of Defendants' exceptional and willful actions;
- b. Statutory damages pursuant to 15 U.S.C. § 1117(d) in the amount of \$100,000 for the unlawful registration of the infringing domain name; and,

c. The costs of the action.

7. That pursuant to 15 U.S.C. § 1116, Defendant be directed to file with the Court and serve on VEL within thirty (30) days after issuance of an injunction, a report in writing and under oath setting forth in detail the manner and form in which Defendant has complied with the injunction;

8. That because of the exceptional nature of this case resulting from Defendant's deliberate and willful infringing actions, this Court award to VEL all reasonable attorneys' fees, costs, and disbursements incurred by it as a result of this action from the date of actual notice, pursuant to 15 U.S.C. § 1117(a), (b), and (d), and N.Y. Gen. Bus. Law § 360-m; and;

9. Such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMANDED

Plaintiff VEL demands a trial by jury on all issues that may be so tried.

Respectfully submitted,

Dated: September 19, 2018

By: /s/Christian S. Morgan

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